HOUSE OF REPRESENTATIVES—*Thursday, June 18, 1992*

The House met at 10 a.m.

The Reverend Dr. Harrison D. Bonner, pastor, Mt. Olive A.M.E. Zion Church, Waterbury, CT, offered the following prayer:

God of our weary years, God of our silent tears, Thou who has brought us thus far along the way.

We thank Thee for Thy goodness and mercy.

We pray for the President and Congress, that he who governs us and they who legislate for us will promote the welfare of all our people. Give them a right understanding, a pure and noble purpose. Give them the courage and wisdom to do Thy will. Fill them with truth and righteousness. Govern their hearts and minds, that law and order, justice and peace will prevail.

Bless our country that it may be a blessing to the world. Grant us sound government, just laws, good education, a free press, simplicity and justice in our relations with one another; and above all, a spirit of service which will abolish pride of place and inequality of opportunity; through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. 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.

Mr. RAMSTAD. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RAMSTAD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 107, not voting 43, as follows:

[Roll No. 204]

YEAS—284

Abercrombie	Andrews (TX)	Atkins
Ackerman	Annunzio	AuCoin
Anderson	Applegate	Bacchus
Andrews (ME)	Archer	Barnard
Andrews (NJ)	Aspin	Bateman
Bennett	Hamilton	Obey
Berman	Hammerschmidt	Olin
Bevill	Hansen	Olver
Bilbray	Harris	Ortiz
Blackwell	Hatcher	Orton
Borski	Hayes (IL)	Owens (NY)
Boucher	Hayes (LA)	Owens (UT)
Boxer	Hoagland	Oxley
Brewster	Hochbrueckner	Packard
Brooks	Horn	Pallone
Broomfield	Horton	Panetta
Browder	Houghton	Parker
Brown	Hoyer	Pastor
Bruce	Huckaby	Patterson
Bryant	Hughes	Payne (NJ)
Bustamante	Hutto	Payne (VA)
Byron	Hyde	Pease
Callahan	Jefferson	Pelosi
Campbell (CO)	Jenkins	Penny
Cardin	Johnson (SD)	Peterson (FL)
Carper	Johnson (TX)	Peterson (MN)
Carr	Johnston	Petri
Chapman	Jones (NC)	Pickle
Clement	Jontz	Poshard
Clinger	Kanjorski	Price
Coleman (MO)	Kaptur	Pursell
Coleman (TX)	Kasich	Rahall
Collins (IL)	Kennedy	Rangel
Collins (MI)	Kennelly	Ravenel
Combest	Kildee	Richardson
Condit	Kleczka	Rinaldo
Conyers	Kopetski	Ritter
Cooper	Kostmayer	Roe
Costello	LaFalce	Roemer
Cox (CA)	Lancaster	Rose
Cox (IL)	Lantos	Rostenkowski
Cramer	LaRocco	Roth
Darden	Laughlin	Rowland
Davis	Lehman (CA)	Roybal
de la Garza	Lehman (FL)	Russo
DeFazio	Lent	Sabo
DeLauro	Levin (MI)	Sanders
Dellums	Levine (CA)	Sangmeister
Derrick	Lewis (GA)	Santorum
Dicks	Lipinski	Sarpalius
Dingell	Lloyd	Sawyer
Dixon	Long	Scheuer
Donnelly	Luken	Schulze
Dooley	Manton	Serrano
Dorgan (ND)	Markey	Sharp
Downey	Martinez	Shaw
Dreier	Matsui	Sisisky
Durbin	Mavroules	Skaggs
Dwyer	Mazzoli	Skeen
Dymally	McCloskey	Slaughter
Early	McCollum	Smith (FL)
Eckart	McCrery	Smith (IA)
Edwards (CA)	McCurdy	Smith (NJ)
English	McDade	Snowe
Erdreich	McDermott	Solarz
Espy	McGrath	Spence
Evans	McHugh	Spratt
Ewing	McMillan (NC)	Staggers
Fascell	McMillen (MD)	Stallings
Fazio	McNulty	Stark
Fish	Mfume	Stenholm
Flake	Miller (CA)	Stokes
Foglietta	Mineta	Studds
Ford (TN)	Mink	Swett
Frank (MA)	Moakley	Swift
Frost	Mollohan	Synar
Gejdenson	Montgomery	Tallon
Gephardt	Moody	Tanner
Geren	Moran	Tauzin
Gibbons	Morella	Taylor (MS)
Gillmor	Morrison	Thomas (GA)
Gilman	Mrazek	Thornton
Gonzalez	Murtha	Torres
Gordon	Myers	Torricelli
Gradison	Nagle	Towns
Green	Natcher	Traficant
Guarini	Neal (MA)	Unsoeld
Gunderson	Neal (NC)	Valentine
Hall (OH)	Oakar	Vander Jagt
Hall (TX)	Oberstar	Vento
Visclosky	Weiss	Wylie
Volkmer	Wheat	Yates
Walsh	Wise	Yatron
Waters	Wolpe	Young (FL)
Waxman	Wyden	

NAYS—107

Allard	Grandy	Nussle
Allen	Hancock	Paxon
Armey	Hastert	Porter
Baker	Hefley	Ramstad
Ballenger	Henry	Regula
Barrett	Herger	Rhodes
Bentley	Hobson	Ridge
Bereuter	Holloway	Riggs
Billirakis	Hopkins	Roberts
Bliley	Inhofe	Rogers
Boehlert	Ireland	Rohrabacher
Boehner	Jacobs	Ros-Lehtinen
Bunning	James	Roukema
Burton	Johnson (CT)	Saxton
Camp	Klug	Schaefer
Campbell (CA)	Kolbe	Schiff
Clay	Kyl	Schroeder
Coble	Lagomarsino	Sensenbrenner
Coughlin	Leach	Shays
Cunningham	Lewis (CA)	Shuster
Dannemeyer	Lewis (FL)	Sikorski
DeLay	Lightfoot	Smith (OR)
Doolittle	Livingston	Smith (TX)
Duncan	Lowery (CA)	Solomon
Edwards (OK)	Machtley	Stearns
Emerson	Marlenee	Stump
Fawell	Martin	Sundquist
Fields	McCandless	Taylor (NC)
Franks (CT)	McEwen	Thomas (CA)
Gallegly	Meyers	Thomas (WY)
Gallo	Michel	Upton
Gekas	Miller (OH)	Vucanovich
Gilchrest	Miller (WA)	Walker
Gingrich	Molinari	Weldon
Goodling	Moorhead	Wolf
Goss	Murphy	

NOT VOTING—43

Alexander	Glickman	Savage
Anthony	Hefner	Schumer
Barton	Hertel	Skelton
Beilenson	Hubbard	Slattery
Bonior	Hunter	Traxler
Chandler	Jones (GA)	Washington
Coyne	Kolter	Weber
Crane	Lowey (NY)	Whitten
Dickinson	Nichols	Williams
Dornan (CA)	Nowak	Wilson
Edwards (TX)	Perkins	Young (AK)
Engel	Pickett	Zeliff
Feighan	Quillen	Zimmer
Ford (MI)	Ray	
Gaydos	Reed	

□ 1026

Mr. LENT changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). Will the gentleman from New York [Mr. MCNULTY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1985. An act to establish a commission to review the Bankruptcy Code, to amend the Bankruptcy Code in certain aspects of its application to cases involving commerce and credit and individual debtors and add a temporary chapter to govern reorganization of small businesses, and for other purposes.

TRIBUTE TO REV. HARRISON BONNER

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

Mr. FRANKS of Connecticut. Mr. Speaker, it gives me great pleasure to welcome the Reverend Dr. Harrison Bonner to the House of Representatives. He and his lovely wife Marge can truly be looked upon as being personal friends.

In June 1958, Harrison Bonner was named pastor of his first church at the tender age of 18. Reverend Bonner has served as pastor of the Mt. Olive A.M.E. Zion Church in my hometown for nearly 20 years. His honors and achievements as a minister and civic leader are numerous.

They include being a former president of the local NAACP, a former chairman of the board of Connecticut's only African-American-controlled lending institution, as well as being on the advisory board of the city's only 4-year college.

Also, one would be hard-pressed to find someone in Connecticut who has worked as hard as Reverend Bonner and his wife to help African-American senior citizens. Reverend Bonner developed 118 elderly housing units; Marge Bonner founded and operates one of the area's largest senior citizen centers.

Reverend Bonner has been the presiding elder of the Hartford District of the New England Conference since 1984, and he will soon be elevated to the bishop's position.

□ 1030

Mr. Speaker, when I first ran for office there were some people who were quick to say that I did not have a chance. They said that because I was black, white people would not vote for me, and because I was Republican, black people would not vote for me.

Reverend Bonner made it his personal task to address the latter. He said, and I quote, "We have to educate our people," and educate he did. Because of his help I was able to carry seven of the eight predominantly black precincts in Waterbury. My only regret, and I am sure I have shared this feeling with my fellow Waterburyans, is that Mr. Bonner will be leaving Connecticut. He will be missed. He has made a difference in the lives of a number of people.

Once again, I thank him for giving us those inspiring words today, and may God continue to be with him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair announces there will be only seven 1-minute statements on each side of the aisle, and at the end of this business day 1-minute statements will be continued.

URGING SUPPORT FOR HOUSE CONCURRENT RESOLUTION 192

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

Mr. MAZZOLI. Mr. Speaker, later today the House will have a chance to vote on House Concurrent Resolution 192, which would establish a joint committee to study the operations and functions of the Congress. It is a bicameral, involving the Senate and the House, and a bipartisan committee, and it has as its goal to make the House more efficient and more effective in its work.

I had the opportunity and the pleasure to testify before the Committee on Rules 2 weeks ago on behalf of House Concurrent Resolution 192, and suggested that the committee ought to have a very wide authority to study everything from the size of committees, the jurisdiction of committees, the size of the staff, whether or not membership on a committee should be rotated, or the chairmanship rotated. The only thing that the committee may not have before it, that I think it should, would be some work in the area of campaign finance reform.

I hope that House Concurrent Resolution 192 is voted up. I believe that this committee could have a very powerful and a very positive effect on how the Congress operates.

COUNTDOWN TO FATHER'S DAY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, 4 days to Father's Day—and more questions for the administration on its stance on fathers.

While we celebrate fatherhood, thousands of deadbeat dads continue to avoid paying child support. While the Bush administration and Vice President QUAYLE waste time telling a TV character to get the father involved, millions of real women are trying to do just that—but getting nowhere except deeper in debt.

Unfortunately, the Family Support Act of 1988 just is not doing enough. Every year, only one-half of child support obligations are paid in full, and 25 percent are never even made. The result: millions of kids—the generation that we expect to take care of us when we are senior citizens—are living in poverty without the basics to ensure that they grow up healthy and wise.

We can do something about this right now. First, let's tighten the loopholes that enable noncustodial parents to not pay a dime of child support. My Child Economic Security Act of 1992 will make the child support system more efficient by providing additional mechanisms for locating deadbeats and closing the loopholes through which they hide their money.

For the past 4 years, this administration has been calling for family values, while millions of kids remain in poverty because their fathers have been allowed to slink out of paying child support. How can the administration say it supports traditional family values and then not value the family enough to fix the child support system?

H.R. 5055—COAST GUARD AUTHORIZATION

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

Mr. GOSS. Mr. Speaker, there is a saying that money may be the husk of many things, but not the kernel. It may bring servants, but not faithfulness. A good phrase for describing the situation of the Coast Guard—faithful servants to the core, but continually short on resources to do their job.

Each year the Coast Guard is asked to operate on a shoestring budget, and yet each year we pile more and more on its plate.

When Congress told the Coast Guard to enforce a new recreational boat tax, no new resources were provided. In fact, the boat tax costs the Coast Guard time, resources, and good will. Now the Coast Guard is also being asked to patrol the Windward Passage to enforce U.S. policy regarding those fleeing oppression. It is extra missions such as these, mandated on the Coast Guard without the benefit of additional resources, that dilute its ability to perform traditional safety and drug interdiction functions.

When we consider the Coast Guard authorization later this week, let us not forget to prioritize the duties of the Coast Guard so we can assign appropriations wisely.

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THEY SAY FORMER PRESIDENT RONALD REAGAN DID NOT KNOW

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

Mr. TRAFICANT. Mr. Speaker, in Iran-Contra, Poindexter said "The buck stops here, and Reagan did not know." Ollie North said "The Contras got the money, and Reagan did not know." Secord said "I didn't get any money, and Reagan did not know." Meese said "I didn't see any money, and Reagan didn't know." Shultz said "Hell, I was Secretary of State and Reagan did not know." The Contras said "What money?" and "Reagan didn't know." Caspar Weinberger said "I am indicted, but Ronald Reagan didn't know."

I think the kicker is Mr. McFarlane said "I tried to commit suicide. I tried to take my own life, because Ronald Reagan didn't know." Ronald Reagan said "When I was President I didn't know anything and I didn't do anything, and look out for all the Communists."

I think the only one telling us some parts of the truth is former President Ronald Reagan.

SUPPORT LEGISLATION TO LIMIT U.S. CONTRIBUTION TO U.N. DEVELOPMENT PROGRAM

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

Mr. ALLEN. Mr. Speaker, yesterday I introduced legislation to reduce by nearly $13 million and limit the United States' contribution to the U.N. Development Program [UNDP]. My research into the use of taxpayer money by the UNDP reveals completely unacceptable appropriations to tyrannically governed nations, and the United States contributes about 10 percent of the funds of the UNDP.

In its next 5-year cycle the UNDP plans to send hundreds of millions of dollars to countries that support terrorism and suppress religious and political freedom: For example, Cuba, China, Iran, Libya, Syria will get United States funds through the UNDP. This funding only strengthens the power of oppressive elites and ultimately impedes economic development and opportunity in these countries.

I am sick and tired of hard-working Americans serving as providers for unappreciative, despotic tyrants and their minions around the world. I ask that all the Members join me in supporting this legislation to stop the UNDP from sending our taxpayers' money to these tyrannical nations, and the $13 million saved would be used to reduce the U.S. deficit.

CONGRATULATIONS TO GREATER NEW ORLEANS SPORTS FOUNDATION HOST TO THE U.S. OLYMPIC TRACK AND FIELD TRIALS

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

Mr. JEFFERSON. Mr. Speaker, New Orleans will host the U.S. Olympic track and field trials today through June 28. While New Orleans has long been a popular tourist destination, the site of seven Super Bowls, and two final four champions, there has been no major track and field event in 25 years. The Greater New Orleans Sports Foundation, turned to Tad Gormley Stadium, a 55-year-old, underutilized facility in need of repair, and with private donations, local and State funds, and $1 million in Federal funding, transformed the stadium into a world-class, multipurpose facility. This event will add to the reputation of New Orleans as a city with international appeal and a showcase for our country. I congratulate this Congress for its wise investment in the future of New Orleans and our country, and the people of New Orleans and the foundation for tapping a new resource, amateur sports, which provides an opportunity for New Orleans to become a major competitor in the amateur sports market in America and the world.

□ 1040

REWARDS FOR EVIDENCE OF POW'S IN RUSSIA

Mr. MCCOLLUM. Mr. Speaker, yesterday we were all excited to hear President Yeltsin's declaration that he would work vigorously to unearth any facts related to United States prisoners of war existing in the former Soviet Union. At this juncture, we need as a Congress to be bold in helping to solve this highest national priority.

First, Congress should pass a resolution which I am introducing today calling on the President to use his contingency funds to offer rewards to any Russian or former Soviet citizen who can offer conclusive evidence of any live United States POW's on former Soviet territory. Second, this offer should be broadcast on the Voice of America and Radio Liberty immediately.

Third, the joint United States-Russian Commission headed by Malcolm Toon should be empowered to offer these rewards.

And President Bush should ask President Yeltsin to make this search the highest national priority and to use all radio, TV, and print media in Russia and the rest of the former Soviet Union to broadcast this reward as well.

Mr. Speaker, the American people feel that the issue of missing American servicemen has been clouded by red tape and an uncaring and cynical bureaucracy. Let us cut through the years of doubt and suspicion and take action.

INTRODUCTION OF RESOLUTIONS DISAPPROVING OF DISTRICT OF COLUMBIA OMNIBUS BUDGET SUPPORT TEMPORARY ACT

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

Mr. MORAN. Mr. Speaker, today, I rise to introduce a resolution disapproving of the District of Columbia Omnibus Budget Support Act of 1992. This resolution has been cosponsored by Representatives MORELLA and WOLF.

While I remain a strong supporter of home rule, I do not, and cannot ever support, any efforts by the District of Columbia to levy taxes on the residents of Virginia and Maryland.

Last month, the District of Columbia passed the Omnibus Budget Support Temporary Act of 1992. Through certain provisions of this act, the District of Columbia City Council has sought to tax nonresidents by imposing a new payment in lieu of taxes on the suburban users of the Blue Plains Waste Water Treatment Facility.

This payment violates the home rule agreement and the Home Rule Act of 1973 in a number of ways:

It imposes a new fee on the users of the Blue Plains facility without the expressed consent of Maryland and Virginia; and

It imposes a new fee which goes directly to the District treasury rather than the operating fund of the Blue Plains facility. Thus, suburban users of Blue Plains are being forced to fund District programs that do not directly benefit the customers of Blue Plains.

This payment in lieu of taxes, walks like a commuter tax and talks like a commuter tax. It is a commuter tax, one that is being unlawfully levied by the District of Columbia on the residents of Virginia and Maryland. The District of Columbia Omnibus Budget Support Temporary Act violates home rule and violates prior agreements between the District of Columbia and its neighbors. This budget should be disapproved by this Congress.

I urge my colleagues to cosponsor this legislation.

LACONIA SCHOOL DISTRICT ADULT DIPLOMA PROGRAM

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

Mr. ZELIFF. Mr. Speaker, one of the most exciting events I have had the pleasure to be involved in is to be the commencement speaker at the graduation ceremonies of Laconia Academy in Laconia, NH, on June 5, 1992.

This program is a special adult high school diploma program which is partially funded by the Federal Adult Education Act. After seeing this program in action, I am very pleased to see such an effective use of Federal dollars.

This year 31 students received their high school diplomas, bringing the total in the 20 years of the program to 490 people. This year's graduates ranged in age from 18 to 69 years old. All members of this graduating class are proud to now become very active members of their community committed to make a difference in society.

I particularly salute Mr. John Robert Sheehan. He is a graduate who had been encouraged over the years by his two children to return and complete his high school education. After reading an article about Laconia Academy's graduation last year, John made the decision to enroll. Following a year of intense course work, he graduated at the age of 69, with, I might add, the tremendous support of family and friends.

The residents of the Lakes region of New Hampshire are fortunate to have access to this special program, the success of which is due in major part to Ms. Peggy Selig.

Again, this program receives partial funding from the Federal Adult Education Act and as such is an outstanding example of a Federal program that really works.

PERMISSION FOR REPUBLICAN MEMBER TO BE COUNTED AGAINST DEMOCRAT QUOTA OF 1-MINUTE SPEECHES

Mr. DORNAN of California. Mr. Speaker, could I be counted in the quota on the Democratic side since they did not fill out their quota?

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman is asking a question. Is the gentleman saying he is going over to the Democratic Party?

Mr. DORNAN of California. Mr. Speaker, I have about had it with country clubs, but not just yet. I just wanted to know if I could ask unanimous consent to be counted against the quota of seven on the Democratic side?

The SPEAKER pro tempore. Let the Chair finish on the Republican side, and then the Chair will attempt to implement the gentleman's request within the announced limit.

Mr. DORNAN of California. And if any Member shows up to fill the quota, I will defer, of course.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON THE LEGISLATIVE BRANCH APPROPRIATIONS ACT AND FOREIGN OPERATIONS APPROPRIATIONS ACT FOR FISCAL YEAR 1993

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

Mr. MOAKLEY. Mr. Speaker, last night Mr. BEILENSON made an announcement regarding the Rules Committee plans for two appropriations bills. This morning I would like to repeat the announcement for the benefit of Members who were not present at 11 p.m. last night.

The Rules Committee is scheduled to meet Monday, June 22, to grant a rule for the Legislative Branch Appropriations Act and on Tuesday, June 23, for the Foreign Operations Appropriations Act. Requests may be made for structured rules on these bills. The committee has circulated two "Dear Colleague" letters that request all amendments to the bills be submitted to the Rules Committee no later than 12 noon, on Monday June 22, 1992 for legislative branch and 5 p.m. Monday for Foreign Operations.

In order to ensure Member's rights to offer amendments under the rules that may be requested, they should submit those amendments, together with a brief explanation of the amendment, to the committee office at H–312, the Capitol.

A draft of the bills and reports will be available immediately following the appropriations committee markup this morning. The Office of Legislative Counsel will also have copies of the bills.

To repeat, amendments to the legislative branch appropriations bill should be submitted by Monday at noon and amendments to Foreign Operations should be submitted by 5 p.m. Monday.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I have only a minute, but I will yield part of my minute to the gentleman from New York.

Mr. SOLOMON. I am sure they will stretch the gentleman's minute, I say to my good friend, one of the most powerful men in the House. If the gentleman would yield, I just spoke to your staff a little bit earlier, I will say to the chairman of the Rules Committee, and just to alert them to the fact that it is very unusual to even have a rule on an appropriations bill, and sometimes we do just to waive points of order, perhaps, but never for cutting amendments.

The gentleman is asking for prefiling on the legislative branch appropriations and for the foreign operations appropriations, yet he is not asking for it on military construction. Of course, Members on our side of the aisle do not normally offer cutting amendments to military construction. I would just point out to the gentleman and to the House that it is one thing perhaps to prefile on complex issues dealing with foreign operations that perhaps reach outside the United States. It is quite another thing to ask for a prefiling on amendments that deal with elevator operators, with office allowances and things of that nature.

I just call that to the attention of the House because I would hope that this would not continue in the future. And I would like to discuss it with the gentleman and the Speaker at the appropriate time.

Mr. MOAKLEY. I thank the gentleman very much.

FOREIGN LANGUAGE ECONOMIC ENHANCEMENT ACT

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

Mr. MILLER of Washington. Mr. Speaker, of the 500,000 American troops we sent to the Persian Gulf, only 5 soldiers knew enough Iraqi Arabic to translate Iraqi intelligence documents. That is right, five. And now the State Department reports that virtually no one at State has a working knowledge of 15 local languages spoken in the former Soviet Republics.

Clearly our foreign language needs are not being met. And no wonder. Thirty-five States are experiencing shortages of foreign language teachers.

That is why today I am introducing the Foreign Language Economic Enhancement Act. This bill will help recruit and train elementary and secondary school foreign language teachers, help train foreign language translators for government and business, and help support the study of less commonly used foreign languages.

I urge my colleagues to join in cosponsoring and supporting this legislation.

□ 1050

REVELATIONS FROM THE RUSSIAN ARCHIVES

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

Mr. STEARNS. Mr. Speaker, I rise today to pay a tribute to James Billington, the Librarian of Congress. He has worked extremely hard to bring a special and timely exhibit to Washington. An exhibit called "Revelations from the Russian Archives."

This exhibit opens today and is the first public display of materials from the key working files of Communist officials in the former Soviet Union. It

features approximately 300 secret Soviet documents from the October Revolution of 1917 to the failed coup of August 1991.

This exhibit is a must see for all Members of Congress. It will help each of us understand just how far Boris Yeltsin and all the people of the former Soviet Union have come.

The fact that this exhibit is open just across the street from the United States Capitol—the symbol of democracy—represents a new Russia, anxious to affirm the core democratic value to open access to information.

Revelations From the Russian Archives opens today in the Madison Gallery and will remain on view through July 16. I commend James Billington and the Library of Congress staff for all their hard work and efforts to make this exhibit possible.

GULF OF MEXICO ENVIRONMENTAL AND ECONOMIC RESTORATION AND PROTECTION ACT OF 1992

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

Mr. LAUGHLIN. Mr. Speaker, I am proud to unveil the Gulf of Mexico Environmental and Economic Restoration and Protection Act of 1992.

Having grown up on the Gulf and representing the district in Texas with the most coastline on the Gulf of Mexico, I have long been committed to lifting the priority of the Gulf of Mexico.

This legislation has been developed over one year and is the product of meetings with all of the relevant Federal agencies, the States, and congressional committee staff.

The bill formally establishes the Gulf of Mexico Program.

In doing this, our legislation places all Federal agencies with jurisdiction over the Gulf of Mexico, all Gulf States and the citizens advisory committee on an executive board with the EPA, each one having an equal vote.

I believe that local citizens and the States have a much better idea of what is going on in the Gulf of Mexico than inside-the-beltway bureaucrats.

Our legislation ensures that those who deal with the gulf everyday are included in the decisionmaking process.

This bill is designed to tackle real problems in the form of implementation grants.

The bill also provides research grants which are to be carried out in Gulf States to the maximum extent possible. The Gulf of Mexico makes an incredible economic contribution to the Nation and it is high time its value was formally recognized. That is why I am introducing this legislation today.

I would like to thank the other cochair of the Gulf task-force, my distinguished colleague and friend Sonny Callahan and all of the other members of the Gulf of Mexico task force who have worked so hard in developing this legislation.

I would also like to give a special thanks to the sunbelt caucus without whose help we would not be introducing this legislation today.

INTRODUCTION OF THE GULF OF MEXICO ENVIRONMENTAL AND ECONOMIC RESTORATION AND PROTECTION ACT

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

Mr. CALLAHAN. Mr. Speaker, I am pleased to join today with the gentleman from Texas [Mr. LAUGHLIN] and others in introducing the Gulf of Mexico Environmental and Economic Restoration and Protection Act.

This bill establishes the Gulf of Mexico Program under the Environmental Protection Agency's Office of Water. It sets up a Gulf of Mexico executive board which consists of representatives of the EPA, the Soil Conservation Service, the Corps of Engineers, the National Oceanic and Atmospheric Administration, the Fish and Wildlife Service, the Coast Guard, a representative from each Gulf Coast State, and the chairperson of the citizens advisory committee. It directs the board to establish technical steering committees as necessary. It also directs the board to prepare a comprehensive joint plan for Federal, State, interstate, local, and nongovernmental development of economic, ecological and aesthetic resources of the Gulf of Mexico. This plan is binding upon the agencies represented on the board. The bill will authorize $30 million for fiscal year 1993 and $300 million for fiscal years 1994–98. It directs the administrator to ensure that these funds are allocated among board members to carry out joint plan activities and to award grants to the gulf States, nonprofit research organizations or universities for research or for implementing measures contained in the plan.

The Gulf of Mexico is one of the Nation's greatest treasures and it does not just belong to those of us who live on it. The gulf feeds the Nation, offers tremendous recreational opportunities, and contributes greatly to our Nation's energy needs. I think a particular focus of the year of the gulf should be to inform the "inland" public of the benefits they receive from the gulf and of the responsibility they should assume in preserving it for the future.

PRESIDENT YELTSIN'S VISIT AND HIS PROMISES

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

Mr. DORNAN of California. Mr. Speaker, since I was sworn in as a freshman Congressman here the first Monday in January 1977, I have never witnessed such a piece of history as President Boris Yeltsin's speech yesterday.

Again, the headlines today talk about the fact that he has promised never again to lie to his own countrymen, to the world, to anybody, and including this tragedy of American POW's from World War II, Korea, Vietnam, and all the dozens of incidents where Soviet fighters have shot down and murdered and, in some cases I am sure, there have been survivors of planes shot down during the very bloody cold war.

Mr. Speaker, I think for the sake of the families, we had better consider where we are going with this. I think we are going to go through a decade or more of the remains of unknown Americans coming through Vladivostok to Hawaii to the Central Investigative Laboratory to have their sacred bones laid out to try and identify who these brave souls were.

The Americans with Russian or German surnames, hundred of them that were kept behind, all of these brave air crews, officers, and enlisted men from all our branches of service, may be, God willing, remains from the 007 Korean airliner shot down, may be the remains of our colleague, Larry McDonald, a Democrat from Georgia, a Navy commander and a doctor.

We are going to go through a horrible period. If one live person comes out, he becomes a living symbol of everything that happened in the 75 years of the evil empire that Mr. Yeltsin so forthrightly described yesterday.

Brace yourselves. It is going to be tough, but I think we can handle it.

ESTABLISHING A JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 481 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 481

Resolved, That during consideration of the concurrent resolution (H. Con. Res. 192) to establish a Joint Committee on the Organization of Congress, it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the concurrent resolution, said amendment shall be considered as having been read, and all points of order against the amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. The concurrent resolution and the amendment shall be debatable for not to exceed one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. The previous question shall be consid-

ered as ordered on the concurrent resolution and amendment thereto to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 481 is the rule providing for the consideration of House Concurrent Resolution 192, to establish a Joint Committee on the Organization of Congress.

The rule makes it in order to consider the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the concurrent resolution. The substitute shall be considered as read and the rule waives points of order against the substitute for failure to comply with clause 7 of rule XVI, which prohibits nongermane amendments.

The rule provides for 1 hour of debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules.

Mr. Speaker, today we consider a measure, House Concurrent Resolution 192, which may be one of the most important pieces of legislation that the House will consider this session.

The goal of this legislation is simple—to reform Congress—to make it more effective and more responsive to the needs of the American people.

Ultimately, we who support this measure seek to streamline our operations, to improve our relations with other branches of Government, to strengthen our oversight of Federal agencies and to devise a more efficient process to consider legislation.

To achieve this goal, the bill would create a joint committee with a sweeping mandate to recommend reforms regarding the organization and operation of Congress—something which has not been done since 1965.

It is far easier, and perhaps more politically advantageous, to stand outside and carp about Congress. It is far more difficult to take responsibility and rebuild anew. But history will judge all of us harshly if we do not take this responsibility to start afresh.

As the U.S. Congress begins its third century, this is the proper time for self-examination and regeneration. The recent metamorphosis in world politics and the evolution of our post-industrial economy are challenging all of our Nation's institutions.

In 1945, Congress found itself in a similar situation. The Depression and World War II had transformed the world and greatly expanded the responsibilities of the national government. But the institution of Congress was ill-prepared to take on the responsibilities being thrust upon it. It was criticized for its inability to manage its workload and to oversee the executive branch.

In a model for the current resolution, Congress set up the LaFollette-Monroney Joint Committee on the Organization of Congress. Its recommendations, embodied in the Legislative Reorganization Act of 1946, are the foundation of the modern Congress.

Forty-six years later, it is again time to step back, to examine Congress's role, and to ask whether institutional changes could help it perform better. House Concurrent Resolution 192 will establish one forum for this self-examination.

As amended by the bipartisan substitute recommended by the Rules Committee, House Concurrent Resolution 192 will establish a bipartisan committee with 12 Senators, 12 House members and the majority and minority leaders of both Houses. The joint committee is charged with reporting its findings and recommendations to each House no later than December 31, 1993.

The resolution provides limited committee staffing, but encourages utilization of the services of legislative agencies such as the Congressional Research Service, the General Accounting Office, the Congressional Budget Office and the Office of Technology Assessment. In addition, the committee is expected to make use of a comprehensive private foundation-sponsored study of Congress which is currently in progress.

As evident from its creation as a joint committee, the committee's primary focus will be on Congress's overall organization and its relationships with the executive and judicial branches of government. It will not preempt current reform mechanisms such as the Director of Nonlegislative Services and the Inspector General recently established by the House. Similarly the joint committee will complement ongoing House reform efforts such as that of the Democratic Caucus Committee on Organization, Study and Review, which I chair.

Mr. Speaker, I ask my colleagues to support this rule, reported unanimously by the Rules Committee, so that we may proceed with consideration of the merits of this important legislation.

□ 1100

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

Mr. Speaker, I certainly thank the gentlewoman for her strong support for both the rule and the legislation.

Mr. Speaker, House Concurrent Resolution 192, which establishes a Joint Committee on the Organization of Congress, is privileged for consideration in the House as a joint rule of the House and Senate. That means that ordinarily it would not even need a special rule from the Rules Committee to come to this floor.

However, the amendment in the nature of a substitute reported by the Rules Committee extends the final reporting deadline for the joint committee from the end of this Congress to the end of the first session of next Congress. By doing so, the substitute is nongermane to the introduced resolution. So this special rule simply waives the germaneness rule against the substitute so that we can consider it.

Mr. Speaker, I regret that it is even necessary to extend this joint committee on reforming Congress into the next session. Had we acted on this when it was introduced last July, we could be voting on its final report within the next few months. That would have been ideal in terms of having the reforms in place when the new Congress convenes on January 4 of next year.

However, for a long time, some in the majority leadership resisted this proposal. The attitude seemed to be that this would detract from other important legislative business. And besides, it was argued, Congress does not really need to be reformed. Nothing is broke, so why fix it?

Regrettably, Mr. Speaker, it took a couple of scandals to awaken the leadership to the need for overhauling the Congress. I think it is a shame that is what it takes for the majority leadership to recognize that we just might have some problems.

For one thing there is a tendency, when we are reacting to scandals, to act too hastily in trying to set things right.

We often rush to judgment and overreact without carefully thinking about what really needs to be done. It seems more important to be able to tell the people we have done something in response, and then hope that will satisfy them.

For another thing, we tend to think that by taking action in the wake of a scandal we will somehow magically restore the confidence of the American people in the institution. We build up false expectations, both with our own Members and the public, about just what reform can accomplish in terms of our standing and effectiveness.

I think that was the mistake that was made with the hastily patched-together House administrative reform resolution that was churned out and adopted in just 2 weeks. But prompt action was considered to be more important than sound policy and consequences. And in politics, perceptions often are everything—at least until they run up against reality.

Mr. Speaker, I do not think this joint committee proposal will fall prey to

the same problem. For one thing, it was conceived before the scandal panic set in. For another, it is based on the tried and tested bipartisan joint reform committees established in 1945 and 1965, with equal representation from both parties.

And for another, it will have plenty of time to study and recommend changes—a year and one-half to be precise. And those recommendations will then be run through the appropriate committees of jurisdiction before being brought to the floor.

In short, Mr. Speaker, this is not one of those spur-of-the-moment, ad hoc, back room, task forces designed to deal with an urgent crisis without the benefit of due deliberation and orderly process. This joint committee will operate in the open, in an orderly manner, and its recommendations will be brought back through the normal legislative process.

Finally, I would point out that this rule and the amendment in the nature of a substitute it makes in order, have both been developed and agreed to by the bipartisan leadership and membership of the Rules Committee. I think this augurs well for the prospects of the joint committee.

I therefore urge adoption of this rule and the concurrent resolution it makes in order to create this joint committee. Let this be the first step in what will hopefully be another historic, congressional reform milestone.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. GRADISON], one of the original sponsors of the legislation, and commend the gentleman for the great work he has done and hopefully for the results that will come out of this joint committee.

Mr. GRADISON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of House Concurrent Resolution 192 and the bipartisan substitute offered by Chairman MOAKLEY and Mr. SOLOMON. I would like to complement the bipartisan leadership of the House, Mr. MOAKLEY, and Mr. SOLOMON for their cooperation in, and their contribution to, improving the resolution.

House Concurrent Resolution 192 would establish a temporary, bipartisan Joint Committee on the Organization of Congress. The mandate of the joint committee would be to study and recommend reforms in the operations of Congress. The substitute improves on the original version of the resolution which I introduced with Mr. HAMILTON last year.

The expansion of the joint committee to 28 members, with 14 appointed from the House, will ensure a broad representation of views from both bodies on the critical issues before the joint committee. The substitute also provides for the inclusion of the majority and minority leaders of both bodies as ex officio voting members, thereby providing an important role for the leadership in the deliberations of the joint committee.

We introduced this legislation last July, well before the current spate of scandals in the House that have contributed to public dissatisfaction with this institution. It is my sense that all Members are increasingly concerned about the capacity of Congress, as presently organized, to deal effectively with the challenges the Nation faces. While this proposal emerged from that concern, there is also little question that meaningful reform of the Congress can also aid in restoring the public's confidence in the institution.

The proposed Joint Committee is modelled on the two most significant bipartisan and bicameral reform efforts of the post-World War II period. On two previous occasions in the last half-century, the Congress established similar panels to assess the organization and operation of the Congress. In each previous case, there were serious undertakings which led to significant changes in the manner in which the Congress conducts the people's business.

The Legislative Reorganization Act of 1946 and the Legislative Reorganization Act of 1970 were born in the deliberations of temporary bipartisan and bicameral committees established in 1945 and 1965. By and large, the changes brought about by these efforts were positive in that they responded to the needs of the Congress, as an institution, to deal more effectively with the problems of those times. It has been nearly 30 years since the House and the Senate have initiated a comprehensive examination of Congressional operations and the relationship between the first branch of Government and the executive and judicial branches.

In June 1946, a fellow Cincinnatian, Senator Robert A. Taft, told his colleagues that "I believe that we must begin on a complete reorganization of Congress if Congress is to operate efficiently under modern conditions." Taft was right then. This House would be right now to proceed with comprehensive reform.

Then, as now, times dramatically changed. The 79th Congress, of which Taft was a member, witnessed the dawn of the Cold War. This Congress must deal with the victory of the West and its aftermath—abroad and at home. The Congress and the nature and complexity of the people's business have changed. This concurrent resolution is a timely response to the real and perceived problems of the Congress.

Critics of the Congress, and there are many, both inside and outside the institution, claim there are too many staffers, too many committees and subcommittees, and too many turf battles. They may be right. I believe that these and other concerns of the membership, including reform of institutional rules and procedures and the protection of minority rights, are significant reasons, in and of themselves, to undertake comprehensive Congressional reform.

Beyond issues of efficiency, however, it is clear that procedural and other questions are impeding the consideration by Congress of important national issues. For myself, I am exceedingly concerned about the appallingly low national savings rate, dangerously high Federal budget deficits, and the state of health care in the Nation. Other Members have spoken often about different concerns. Yet, irrespective of the public policy issue, I am concerned that short-term thinking, driven by the necessities of electoral and partisan politics and exacerbated by the structure and procedures of the Congress, is distorting the ability of the institution to address urgent long-term national problems in a deliberate fashion.

No one can remove politics completely from the public policy debate. Nor should we try. Neither should our goal be to make Congress mechanically efficient—despte the views of a leading undeclared Presidential candidate. I agree with those Members who have stated that Congess should not, and cannot, merely serve as a completely efficient processor of the law. While recognizing the diversity of opinion and interest between and among the States and the people, we can, however, remove many of the institutional impediments that contribute to the gridlock that critics rightly bemoan.

Many of the reforms that the Joint Committee may ultimately recommend may not be new. Some, such as biennial budgeting, have been around for awhile. Others may emerge from a careful examinations of the historical record. In studying previous reforms and their effects on the House, particularly those of the post-Watergate period, the joint committee will be in a better position to recommend needed changes. Still others will result from careful and thorough consultation with Members on both sides of the aisle. Over 140 separate and specific reform proposals have already been introduced in either the House or the Senate. I believe the membership is prepared to begin a thorough examination of this institution.

As important as individual and specific reform ideas are, the joint committee proposal is significant in one other respect: 254 Members of the House, including a majority of both parties, and 58 Senators support House Concurrent Resolution 192. In my view, despite the poisonous partisan and political mood on Capitol Hill that has been noted by Members and observers alike, it is clear that Members of this

institution, from the Speaker, to senior committee chairmen, to Members of the freshman class, have come to accept the logic of both bicameralism and bipartisanship as the proper structure in which to undertake this task.

In conclusion, Mr. Speaker, I am convinced the bipartisan and bicameral joint committee would be in the best position to consider comprehensive reform. We should not undertake expedient reform solely for the sake of reform to salve the press or the popular passion of the moment. The joint committee, in my judgment, is the only body capable of undertaking a coherent and integrated reform effort which could effectively assess changes in institutional procedures, the budget process, jurisdictional questions, and strengthening the oversight role of Congress.

Congress is the first, and most important, branch of our constitutional Government. As Members and as citizens, all of us, Democrats, Republicans, and Independents, have a deep and abiding interest in a strong legislative branch capable of addressing the Nation's problems. Reform, in and of itself, is no panacea; it is no substitute for political will; and it will not, on its own, restore the confidence the public has lost in this institution. Only Congress, by forcefully addressing the Nation's problems, can do that; but Congress will only be able to do that if it undertakes the difficult process of institutional reform.

I urge my colleagues to support the establishment of the joint committee and trust that broad support for it will move the other body expeditiously to concur in this bipartisan resolution.

□ 1110

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman for his explanation of the bill itself. He certainly has been a leader in this reform process, and we really commend him.

Mr. Speaker, I reserve the balance of my time at this point.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only I yield 2½ minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. I thank the gentlewoman from New York for yielding this time to me.

Mr. Speaker, I rise today in support of this resolution and the subsequent resolution which we will debate very shortly.

Mr. Speaker, last year, the American people saw Congress at its finest—a thoughtful, bipartisan debate over the use of force in the Persian Gulf. One year later, our democratic institutions are under attack, and public confidence in our ability to govern has sharply declined. It concerns me that most solutions that have been offered—such as term limits—weaken the democratic process rather than strengthen it. Any reform of the legislative branch must be geared toward enhancing our role, and maintaining the balance of powers that has sustained our Nation for over 200 years.

The entire legislative branch spends only a fraction spent by the executive, yet it is the branch of Government that is closest to the people. We must take a serious look at what obstacles we face in the legislative process—overlapping committee jurisdictions, the numbers and allocation of committee staff, and fair treatment of all Members of the majority and the minority—and learn to operate more efficiently. In the process, we must ensure the American people continue to have access to their Government through their elected representatives.

Mr. Speaker, over a 4-year period, I devoted much time, thought, and hard work to another organizational matter—defense reorganization. That 4-year effort culminated in the Goldwater-Nichols Department of Defense Reorganization Act of 1986. Despite the initial opposition to our effort in the Pentagon, those of us who believed in our work were able to create a bipartisan coalition that crafted an important piece of legislation. Since its enactment, civilian and military leaders of the Defense Department have come to view it in a very positive and very good piece of work fashion, and believe it contributed to our success in the Persian Gulf. Correspondingly, a review of legislative operations can improve our ability to govern, and renew public confidence in the Congress.

Mr. Speaker, the reorganization would be good for the people we represent, good for Congress, and good for America. I encourage my colleagues to support the resolution offered by the gentlewoman from New York as well as the subsequent resolution which it will afford.

Mr. SOLOMON. Mr. Speaker, the gentleman from California [Mr. DREIER] is another member of the Committee on Rules who has been a leader in the legislative reform process and the processes of this House.

Mr. Speaker, he was here until almost midnight handling rules. We recognize and commend him for his hard work, and I yield such time as he may consume to the gentleman from California.

Mr. DREIER of California. I thank the gentleman for yielding to me.

Mr. Speaker, I should say my work until midnight last night was clearly a labor of love, as is most everything we do here, including dealing with this issue here.

Clearly, Mr. Speaker, the reigning political cliche of the season is "change." And "reform." Everyone wants to see us bring about very good, positive reforms.

But I was approached about an hour ago by my good friend, the gentlewoman from New Jersey, MARGE ROUKEMA, who said to the gentleman from New York, Mr. SOLOMON, and me, "We don't want to bring about change simply for the sake of change." She is absolutely right.

I hope that as my friend from Missouri, Mr. SKELTON, said, that we can have clearly a bipartisan effort to reform this institution in a positive way. When I mentioned to Mrs. ROUKEMA some of the proposed changes that this committee would consider, she was very enthused.

□ 1120

Mr. Speaker, if we could begin addressing some of the problems like the fact that some Members of this House serve on as many as seven subcommittees and we have this process of proxy voting whereby Members could be on the other side of the globe and have their votes counted in committee, when we look at these kinds of things that have gone on, I believe that Members on both sides of the aisle should want to bring about change.

Now, it is true that committees similar to what will be known as the Hamilton-Gradison committee have been formed in the past, in past Congresses. It has been over a decade since we saw this type of a reform effort move forward, but the track record of actually implementing the changes these committees have come forward with is, frankly, abysmal. We have seen business as usual continue following these sweeping proposals for reform.

So it is my hope that when we move ahead with this, Mr. Speaker, we will be able to actually accomplish something. I do not want to see us just report out a bill. I do not want to send a lot of Members in committee and spend hours going over recommendations and have those recommendations ignored by Members of the House and the Senate. I am very supportive of the process because I believe we have great, great room for improvement here.

Mr. Speaker, I support the rule, and I support the resolution.

Mr. SOLOMON. Mr. Speaker, if the gentlewoman from New York [Ms. SLAUGHTER] has no further requests for time, I yield back the balance of our time.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up the concurrent resolution (H. Con. Res. 192) to establish a Joint Committee on the Organization of Congress, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 192

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ESTABLISHMENT OF COMMITTEE.

(A) ESTABLISHMENT AND MEMBERSHIP.—There is established a Joint Committee on the Organization of the Congress (hereinafter referred to as the "Committee") to be composed of—

(1) 8 Members of the Senate—

(A) 4 to be appointed by the Majority Leader; and

(B) 4 to be appointed by the Minority Leader; and

(2) 8 Members of the House of Representatives

(A) 4 to be appointed by the Speaker; and

(B) 4 to be appointed by the Minority Leader.

(b) ADVISORY MEMBERS.—The Majority Leader and the Minority Leader of the Senate and the Speaker and the Minority Leader of the House of Representatives shall each name 1 person to the Committee, to serve as an advisory, non-voting, member of the Committee. Advisory members may be former Members of Congress as well as leading private citizens.

(c) ORGANIZATION OF COMMITTEE.—(1) A chairman from each House shall be designated by the Majority Leader of the Senate and the Speaker of the House of Representatives. A vice chairman from each House shall be designated by the Minority Leader of the Senate and the Minority Leader of the House of Representatives. The Committee may establish subcommittees comprised of only Members from one House.

(2) No recommendation shall be made by the Committee except upon a majority vote of the Members representing each House, taken separately.

SEC. 2. STUDY OF ORGANIZATION AND OPERATION OF THE CONGRESS.

(a) IN GENERAL.—The Committee shall—

(1) make a full and complete study of the organization and operation of the Congress of the United States; and

(2) recommend improvements in such organization and operation with a view toward strengthening the effectiveness of the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and improving the orderly consideration of legislation.

(b) FOCUS OF STUDY.—The study shall include an examination of—

(1) the organization and operation of each House of the Congress, including the employment of personnel by the Members and the committees of the Congress and the structure of, and the relationships between, the various standing, special, and select committees of the Congress;

(2) the relationship between the 2 Houses; and

(3) the relationship between the Congress and the Executive branch of the Government.

SEC. 3. AUTHORITY AND EMPLOYMENT AND COMPENSATION OF STAFF.

(a) AUTHORITY OF COMMITTEE.—The Committee, or any duly authorized subcommittee thereof, is authorized to—

(1) sit and act at such places and times during the sessions, recesses, and adjourned periods of the 102d Congress;

(2) require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths, take such testimony, procure such printing and binding; and

(3) make such expenditures,

as it deems advisable.

(b) APPOINTMENT AND COMPENSATION OF STAFF.—The Committee is empowered to appoint and fix the compensation of such experts, consultants, technicans, and clerical and stenographic assistants as it deems necessary and advisable. The Committee may utilize such voluntary and uncompensated services as it deems necessary and is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government.

(c) EXPENSES.—The Committee shall spend such sums as it requires.

(d) APPROPRIATED FUNDS.—All funds necessary to carry out this section are subject to appropriations.

SEC. 4. COMMITTEE REPORT.

The Committee shall report to the Senate and the House of Representatives the result of its study, together with its recommendations, not later than the adjournment sine die of the 102d Congress. If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be. All reports and findings of the Committee shall, when received, be referred to the Committee on Rules and Administration of the Senate and the appropriate committees of the House of Representatives.

Mr. MOAKLEY (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will designate the committee amendment in the nature of a substitute.

The text of the committee amendment in the nature of a substitute is as follows:

Strike out all after the resolving clause and insert the following:

SECTION 1. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT AND MEMBERSHIP.—There is established an ad hoc Joint Committee on the Organization of the Congress (hereinafter referred to as the "committee") to be composed of—

(1) 12 Senators, of whom 6 shall be appointed by the majority leader and 6 of whom shall be appointed by the minority leader; and

(2) 12 Members of the House of Representatives, 6 of whom shall be appointed by the Speaker, and 6 of whom shall be appointed by the minority leader.

(b) EX OFFICIO MEMBERS.—The majority leader and the minority leader of the Senate and the majority leader and the minority leader of the House of Representatives shall be ex officio members of the committee, to serve as voting members of the committee. Ex officio members shall not be counted for the purpose of ascertaining the presence of a quorum of the committee.

(c) ORGANIZATION OF COMMITTEE.—(1) A co-chairman from each House shall be designated from among the members of the committee by the majority leader of the Senate and the Speaker of the House of Representatives.

(2) A co-vice-chairman from each House shall be designated from among the members of the committee by the minority leader of the Senate and the minority leader of the House of Representatives.

(3) The committee may establish subcommittees comprised of only members from one House. A subcommittee comprised of members from one House may consider only matters related solely to that House.

(4)(A) No recommendation shall be made by the committee except upon a majority vote of the members representing each House, respectively.

(B) Notwithstanding subparagraph (A), any recommendation with respect to the rules and procedures of one House which only affects matters related solely to that House may only be made and voted on by the members of the committee from that House, and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the committee. Once such recommendation is adopted, the full committee may vote to make an interim or final report containing any such recommendation.

SEC. 2. STUDY OF ORGANIZATION AND OPERATION OF THE CONGRESS.

(a) IN GENERAL.—The committee shall—

(1) make a full and complete study of the organization and operation of the Congress; and

(2) recommend improvements in such organization and operation with a view toward strengthening the effectiveness of the Congress, simplifying its operations, improving its relationships with, and oversight of, other branches of the Government, and improving the orderly consideration of legislation.

(b) FOCUS OF STUDY.—The study shall include an examination of—

(1) the organization and operation of each House of the Congress, including the employment of personnel by Members and committees and the structure of, and the relationship between, standing, special, joint, and select committees;

(2) the relationship between the 2 Houses; and

(3) the relationship between the Congress and the Executive branch of the Government.

SEC. 3. AUTHORITY AND EMPLOYMENT AND COMPENSATION OF STAFF.

(a) AUTHORITY OF COMMITTEE.—The committee, or any duly authorized subcommittee thereof, is authorized to—

(1) sit and act at such places and times within the United States during the sessions, recesses, and adjourned periods of Congress; and

(2) require the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths, take such testimony, procure such printing and binding as it deems necessary.

(b) APPOINTMENT AND COMPENSATION OF STAFF.—(1) The committee may appoint and fix the compensation of such staff as it deems necessary, but not to exceed ten, and shall utilize existing staff to the extent possible.

(2) The committee may utilize such voluntary and uncompensated services as it deems necessary and may utilize the services, information, facilities, and personnel of the General Accounting Office, the Office of Technology Assessment, the Congressional Budget Office, the Congressional Research Service of the Library of Congress, and other agencies of the legislative branch.

(3) The members and staff of the committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the committee, other than expenses in connection with meetings of the committee held in the District of Columbia.

(c) EXPENSES.—

(1) SENATE.—[TO BE SUPPLIED].

(2) HOUSE OF REPRESENTATIVES.—Notwithstanding any law, rule, or other authority, there shall be paid from the contingent fund of the House of Representatives such sums as may be necessary for one-half of the expenses of the committee, with not more than $250,000 to be paid with respect to the second session of the One Hundred Second Congress. Such payments shall be made on vouchers signed by the House of Representatives cochairman of the committee and approved by the Committee on House Administration of the House of Representatives. Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration of the House of Representatives.

SEC. 4. COMMITTEE REPORT.

The committee shall report to the Senate and the House of Representatives the result of its study, together with its recommendations, not later than December 31, 1993. The committee may make such interim reports as it considers necessary. If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be. All reports of the committee shall, when received, be referred to the appropriate committees of the Senate and the House of Representatives.

SEC. 5. REPORT TO HOUSE PARTY CAUCUS AND CONFERENCE.

Notwithstanding any other provision of this resolution, the House membership of the committee is authorized to report to the respective party caucus and conference of the House of Representatives not later than November 6, 1992, any such findings and recommendations for changes in the Rules of the House as it may deem appropriate in connection with the organization of the One Hundred Third Congress.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 481, the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 30 minutes, and the gentleman from New York [Mr. SOLOMON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MOAKLEY].

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

Mr. Speaker, today the House considers House Concurrent Resolution 192—better known as the Hamilton-Gradison bill on congressional reform. The measure proposes the establishment of a Joint Committee on the Organization of Congress to study and recommend reforms in the operation of this institution.

The committee would be comprised of 14 Members of the House and 14 Members of the Senate, equally divided between Republicans and Democrats. The committee would look for ways to improve the effectiveness of Congress—simplify its operations, improve its relationship with and oversight of other branches of Government, and improve the orderly consideration of legislation.

While the committee's main task would be to find reforms that apply to both the House and the Senate, the joint committee would be authorized to establish subcommittees comprised of only Members from one House, which would consider matters-related solely to that House.

Historically, committees of the House have adopted rules to govern their procedures. House Rule 11, clause 2(a) requires such rules to be consistent with the rules of the House. In this spirit, I would anticipate that the joint committee would adopt rules consistent with the rules of the House and the Senate so far as they are applicable.

The committee would have no legislative jurisdiction of its own. All of its recommendations for action would be referred to the appropriate committees of jurisdiction for consideration. The committee's final reporting deadline would be December 31, 1993. However, the resolution anticipates interim reports and specifically authorizes House members of the committee to report to the Democratic caucus and the Republican conference of the House no later than November 6, 1992. Any findings or recommendations for changes in the House rules that they may deem appropriate in connection with the Organization of the 103d Congress.

Mr. Speaker, while I know it is fashionable these days for some Members to take to the well and bash this institution until they're red in the face—I would respectfully suggest that we're not all bad and neither are all our processes and procedures. So, in that spirit, we must be very careful with how we proceed. We must make sure that the changes we implement in the future are good ones; ones that make this institution more accountable, and more representative of the people. We must try to be objective—and not political.

And we must be careful not to get caught up in the hysteria that "any change is a good change." The fact is that not all change is good.

I think the legislation before the House today takes into consideration all these concerns and sets forth a process that is both responsible and objective.

I have often wondered whether the frustrations that many Members currently feel stem more from the fact that we have a divided Government—rather than from technical or procedural inefficiencies in the way we do business. Let us face it, when you have a Republican President that wants to go in one direction and a Democratic Congress that wants to go in another there are bound to be problems. Quite frankly, I don't know whether you can fix that unless you elect a President who is of the same party affiliation as the majority of those in the Congress.

I know, too, there have been some complaints that Congress moves too slowly and that there are too many subcommittees. Perhaps that's true. But let's remember this is not "Federal Express" that has overnight delivery. This is the U.S. Congress that has the difficult task of implementing sound, fair, and responsible legislation.

Sometimes we want to take our time; we want to weigh all the pros and the cons; and we want to make sure we're doing the right thing. I say this not to justify the proliferation of subcommittees; I, for one, believe they should be streamlined. But I say this just to remind people that faster isn't always better.

Mr. Speaker, the Rules Committee held some very lengthy hearings on this matter. We heard from experts both in and out of Government. And, if I may, I would like to commend the ranking republican on the committee, my good friend JERRY SOLOMON, for his very constructive participation in these hearings.

The issue of "Congressional Reform" is ripe for exploitation and political pontification by both Democrats and Republicans. I am happy to say that Mr. SOLOMON, as well as others on the Rules Committee, approached this issue in a responsible and objective manner. There were no 30-second political sound-bites for the C–SPAN audience; instead, there were only serious and legitimate questions for the various panels. And the minor changes that were made to the bill in committee—were all done in a bipartisan fashion.

Mr. Speaker, the Hamilton-Gradison bill enjoyed strong bipartisan support in the Rules Committee and I expect the same in the full House. I want to commend both Mr. HAMILTON and Mr. GRADISON for their steadfast and tireless efforts on this matter. Their respect for this institution and their desire to make it better are genuine. And they deserve our enthusiastic support.

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

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

Mr. Speaker, let me at the outset call to the attention of the House the effort of my good friend and chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], in facilitating this bipartisan resolution that hopefully is going to really do something about reforming this House. JOE MOAKLEY has been a real leader, and without him I do not think we would have this bipartisan effort being made here today. So I truly commend him.

Mr. Speaker, let me just say this: Someone once said that you must reform in order to preserve. You reform in order to preserve. Over the last two centuries the Congress has demonstrated an amazing ability to adapt

and change with the times, to reform itself in order to preserve.

What is it through all these decades that we have tried to preserve here in this House and in the other body? I think it is the notion that we are and should always be the people's branch of government. That is the first branch. The first branch of government is right here. Yet I fear this idea is sometimes lost on us, and maybe, just maybe that is why our standing with the American people today is so low in the public opinion polls and in our own sidewalk polls that we take every weekend as we travel around our districts.

□ 1130

The people have a feeling that we are out of touch, that we no longer really represent or relate to them, and that we no longer act in the national interest. They see a Congress that no longer is coming together or working together, but rather an institution that is fragmented and paralyzed, a Congress that is literally falling apart.

But I think we would be blind not to recognize that a large part of this public perception is really due to the way we organize, or disorganize, I guess you could say, and operate this institution. And we have it within ourselves to set things right and to start doing that here today.

The Constitution clearly lays responsibility at our doorstep when it says that each House may determine the rules of its proceedings and discipline itself. "Discipline" is really the key word, and that is exactly why we are here today debating this resolution to create a Joint Committee on Congressional Reform.

The time has come once again for us to set things right, to exercise some self-discipline, to reform, in order to preserve this body that you and I, all of us together, love.

Make no mistake about it, Mr. Speaker, the Congress is in urgent need of a clean sweep, with broad brush strokes of the reform broom. Mr. Speaker, I need not go into great detail about what needs to be done. We all know what needs to be done around here.

Most of the witnesses who appeared before the Committee on Rules that the gentleman from Massachusetts [Mr. MOAKLEY] and I serve on were at least in general agreement on the need for certain reforms. Members and academics alike said much the same thing. Even former Members who have served in this House agreed.

To put it bluntly, Mr. Speaker, we have become so fragmented and so weakened by the proliferation of subcommittees, subgroups, and the overabundance of staff that attends to them, that we have become musclebound. Musclebound is a good term. We just cannot function.

It is not unusual anymore for major bills to be referred to eight or nine committees and scores of subcommittees. Issues dealing with illegal drugs are liable to come before 54 subcommittees of this House, and that illustrates why we cannot get legislation on the floor to deal with that important issue. That is just one example; there are hundreds of others.

Out of this mess, we somehow expect the miraculous that coherent and rational public policy will emerge in a timely way. Who are we trying to kid? All Members know that cannot happen under the existing subcommittee system which has proliferated so much over the last 20 years.

Mr. Speaker, in conclusion, the reform effort to be undertaken by this joint committee is indeed a tall order, but it is an absolute order. We must reform in order to preserve this body. We must preserve a true Congress, a Congress that is coming together once again as the people's branch of government, so it can effectively carry out the people's business.

Mr. Speaker, I just hope that we will overwhelmingly adopt this resolution and give the joint committee that charge. The people expects no less of us; the interest and survival of this Government and this Nation demand it of us.

Mr. Speaker, let us pray that something really meaningful comes out of this task force 6 months from now when it will issue an interim report, prior to our caucus meetings in December. And then again a year and a half from now, the committee will issue its final report. Then we may have the opportunity to make some real reforms.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. MICHEL], our Republican leader, who has been one of the leading forces in bringing this legislation to the floor.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I certainly rise in support of House Concurrent Resolution 192, to establish a Joint Committee on the Organization of Congress. I commend my two colleagues, the gentleman from Indiana [Mr. HAMILTON] on the Democratic side and the gentleman from Ohio [Mr. GRADISON] on our side, for their commitment to the ideal of reform. Without their bipartisan cooperation, I doubt the bill would have made it to the floor.

Mr. Speaker, we must make the House more accountable. We have been saying that now for years. Elections ought to be more competitive and Representatives more responsive and responsible.

We need to simplify our committee structure, to rationalize committee jurisdictions, to streamline and professionalize our support staff, and to depoliticize our legislative process. And we ought to start today.

We have got an army of candidates all across the country, not running so much as Republicans and Democrats, but, frankly, as reformers. This is the time for true reform. The impetus is there, the need is there, and the timing is right. Now, all we need is the will.

We must not wait for the committee to complete its work. In my judgment we should be ready to accept some recommendations as soon as they are presented and move them through the legislative process.

Mr. Speaker, I know that there is a termination date here of 1993, but the new Congress will begin in January of 1993 and prospects are that in this body we will have more new Members than we have seen in my tenure in this body, and probably as many as were brought in in the early 1930's. So there is going to be that move, regardless, and we ought to take advantage of it.

We must reform in an ongoing manner rather than attempt to do it all at once somewhere down the road.

Mr. Speaker, I would like to mention just a few areas of reform right now, and at the end of my speech include for the RECORD the entire gambit.

Mr. Speaker, as I mentioned, we must streamline the committee system and rationalize committee jurisdiction. This is not a new problem. In 1974 the Select Committee on Committees concluded that "Procedures must exist which assure a continuous review of jurisdiction assignments."

Well, that continuous review is long overdue. Reviewing this system should be the top priority of the Hamilton-Gradison joint committee.

We have got to end proxy voting around here. We should dismantle the budget process and then rebuild it in the context of a balanced budget constitutional mandate.

We have got to bring the committee and staff ratios in the range of simple fairness as we reduce overall staff members.

Mr. Speaker, we must reduce the number of subcommittees, which have simply proliferated around here over the years. I believe that each committee could eliminate one subcommittee and no one would notice the difference, except maybe the taxpayer. We should eliminate almost all our select committees.

We need to restrict closed rules. We have said that time and time again. We need to turn campaign reform into a truly bipartisan endeavor.

Mr. Speaker, this is my opening round of recommendations. I have got more. I challenge anyone to suggest these matters do not demand extraordinary attention only a special commission with substantial powers can give them. But give the Nation a good, solid commission, and provide the commission the tools it needs to perform, and then hopefully we will get some real honest to goodness reform around here.

Mr. Speaker, I include for the RECORD my expanded list of reforms I

have been touting I guess ever since I was first elected leader back in 1981. We hope that then this is the first real significant step that will be taken to get us where we eventually want to go.

REFORM PROPOSALS

ROBERT H. MICHEL

(1) Committee Jurisdiction. The current system of committee jurisdiction is the source of much of the political gridlock from which the House now suffers. A far-reaching plan to extricate the House from this confusing and confounding committee system must be a priority for this commission.

(2) Bill referral process: The process for referring bills to Committees, having vetoed bills considered before the House, and sending bills passed by the Congress to the President should be handled in a timely and professional manner. It should not be subject to the political whims of the Majority Party.

(3) Oversight and Coordination with Executive Branch: We need to have a better working relationship between the Executive and Legislative branches, especially in terms of oversight of executive agencies and programs. Performance-based accounting should be implemented. The reports of the Chief Financial Officers of these agencies should be studied and acted upon.

(4) Authorization and Appropriations: The trend of the House over the last several years has been for it to approve unauthorized appropriations. We need a biannual budget process or some other mechanism that will reverse this trend.

(5) House/Senate Conferences: There are too many conferees and the Conference process has become a mystery to too many people. We should limit the number of conferees, and we should educate the public to give them a better understanding of how it works.

(6) Debt Limit: The process for increasing the debt limit must be examined. It is inefficient and needs to be revamped.

(7) Budget Process: A complete reform of the budget process is necessary. We need to tear it down and then rebuild it in the context of a balanced-budget constitutional mandate.

(8) Commemorative Bills: A new process for considering commemoratives that is divorced from the normal legislative process should be formulated. A commemorative calender should be created, and objections by two or more members would remove a commemorative from that calender.

(9) Select Committees: Select Committee should be curtailed to the greatest extent possible. They serve as platforms, but have no legislative purpose. The useless ones must be eliminated.

(10) Joint Committees: These Committees are obscure and powerless. Steps should be taken to either enhance their visibility and authority or eliminate them.

(11) Legal Counsel: A Constitutional scholar who has the interests of the House as an institution at heart should be appointed. Political patronage has no place in this vital position.

(12) Bipartisan Representation on Committee on House Administration: There is no reason why the House Administration Committee should be partisan. We should make it a committee that has equal representation of both the Majority and Minority Parties.

(13) Office of the Architect: We need a better understanding of the funds available to the architect of the Capitol. An independent review of its mandate and its commitment to quality would be a good start.

(14) Printing Facilities of the Congress: As the Congress generates more paper, in the form of Dear Colleague Letters, mass-mailings, and other informational activities, it has become apparent that the facilities need to move into the modern era to reduce cost, to recycle, and to streamline the process.

(15) Legislative Appropriations: There should be a limit of one year for legislative branch appropriation bills. This will give the House a better handle on year-to-year expenses.

(16) Committee Staff Ratios: Staff ratio should be based not on the whims of the Majority, but on the basis of actual House representation. The current ratios are unfair and undemocratic.

(17) Cost of House Operations: We must look into the cost of the operations of the House. I have proposed a dramatic decrease in Committee staffing as one cost-cutting measure.

(18) Congressional Support Groups: We must examine those support agencies of the Congress to insure that they are fulfilling their original functions. Agencies such as the General Accounting Office and the Office of Technology Assessment have been criticized for the lack of objectivity. These agencies must be reorganized to insure their credibility.

(19) Proxy Voting Ban: The habit of ghost or "proxy voting" is anti-democratic. It should be discontinued.

(20) Rules Committee Reform: To maintain a strong and vibrant democracy, the House must insure that all voices are heard in debate. The trend over the last several years has been towards less debate and less rights for the Minority party. A complete overhaul of the Rules Committee would include a prohibition of any rules which preclude a motion to recommit with instructions to be offered, a limitation on self-executing rules, and a limitation on the Chairman of the Rules Committee ability to issue a closed rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, this is the people's House and these reforms that we are looking at today should be for all the people of this country.

I would like to start my remarks by saluting and commending the dean of my delegation, the gentleman from Indiana [Mr. HAMILTON], and also the gentleman from Ohio [Mr. GRADISON], for propelling the winds of change. Even before many of the scandals broke in this body, these two gentlemen knew that we needed substantive and real changes in the House of Representatives. It has been a pleasure to work with both gentleman.

Mr. Speaker, I would also like to say, because there is the need for this, there is an outcry of criticism on the outside, there is a great deal of frustration here on the inside, that I would like to give some of the credit for the hopeful passage of this proposal to the freshman class that has worked in a bipartisan way from the grassroots up for support.

□ 1140

The purpose of this bill has been stated many times on the floor of this House this morning. The purpose is to study good, efficient reorganization of how we do business in this body, to keep up with the changes in the world.

We will look at curtailing the diffusion of power to break the gridlock. We will look at the budgetary process. We will look at how to utilize technology in this place. We will look at the staff size, the committee structure, a host of reforms, but underlying all these reforms should be this: that we emphasize bricklayers with constructive changes and positive reforms and not the brick throwers that want to tear this great institution apart.

Finally, the real challenge ahead of us, Mr. Speaker, the real emphasis, is 8 studies have been performed in the last 30 years, only 2 have succeeded. As Mr. Yeltsin said in this body yesterday, we must stay the course, however painful, so that change could be carried through.

Let us continue to carry through changes for the people of this country.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, the noted American philosopher, Woody Allen, once wrote a parody of a graduation speech with a peroration as follows:

> America is at a crossroads. One road leads to hopelessness and despair and the other to total destruction. Let us hope that we shall have the wisdom to make the right choice.

Today, Congress seems faced with similarly bleak alternatives. On the one hand, November elections may result in a continuation of the divided Government of the last decade which brought us impasse, stalemate and drift. Or, November may bring us President Ross Perot who considers Congress unnecessary, irrelevant and promises to govern thru electronic town meetings of the Nation or perhaps the world. Some choice.

Conventional wisdom inside the beltway says that Ross Perot will self-destruct or at least be reduced to human size once he becomes a candidate and takes positions on the issues. To which Ross Perot replies, "The people don't give a damn about my position on the issues. They just like my principles." I fear he may be right. My guess is that people are fed up with politicians, issues, and positions in that order. For years now they have watched with increasing dismay as Congress endlessly debates legislation. But nothing ever happens. Or rarely, anyway. So people ask themselves, if nothing ever happens and problems continue to mount, why care who stands where on which issue. After a decade of drift, they want action, any action, and they turn to a man who says he'll give it to them and say to him, "Just do it!"

Divided Government has much to do with the legislative gridlock and national frustration but so does the out-

moded, inefficient and unproductive way Congress operates in the present era and at the end of the day, we are not going to control whether or not the electorate decides to continue divided Government or elects a President, like Ross Perot, who I believe disdains and distrusts representative Government. All we can do is hope to improve our own performance, even if only modestly. And we can make a start by adopting this resolution. It's the third option.

And even it will be doomed to failure if the Members selected to consider reforms are not fair-minded men and women of good will rather than ideologues of either the left or the right. There will be no time for partisan posturing if the Commission is to accomplish anything meaningful before we adjourn sine die this fall. If each Member approaches the task with a view to seeking what is good for the institution and how best to restore credibility to the institution rather than what's good for their party or their committee then maybe—just maybe—real reform can be achieved.

Time is running out. But we do have time to agree upon reforms to substantially improve the operation and productivity of this place and have them in place when Congress reconvenes next January.

There is, of course, a risk in voting for this resolution. If the Commission fails to agree on a program of reform or if, having agreed, the Congress fails to adopt the reforms it will be yet another example of congressional impotence to act and confirm the already abysmally low regard in which the people hold us. So there is a risk but it is a risk we cannot afford not to take.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, many months ago, I signed on as a cosponsor of this resolution, and I rise today to urge its adoption.

As a high school teacher, I spent a lot of hours at the blackboard talking with students about this great country.

At the core of its greatness is our system of representative Government—the House of Representatives—Congress.

Recent events have eroded the bond of trust and accountability upon which that system depends.

In many meetings across my district, I sense a feeling among the people of disconnectedness to their Congress, a feeling that we are failing on basic issues of public policy. Our children scoring in the lower one-quarter percentile of international tests of math and science, our health care system failing to serve 40 million of our people, an infrastructure base that is crumbling, financial institutions that are being bailed out to the tune of hundreds of billions of dollars of taxpayers' money, a manfacturing base that is leaving our country.

We in this body are responsible for the public policy to guide these institutions. In order to pass effective policy, we need effective change in the way we operate.

This resolution is a meaningful and timely effort to bring about that change.

My colleagues, we should never forget what has been done on this floor and within this building, to fight injustice, to support freedom, to protect our natural resources, and improve the quality of life in this country.

But even great institutions such as ours must be willing to adapt and change.

By agreeing to this resolution we begin a new chapter in the history of this Congress.

Today we truly begin to put the strife behind us—freeing us to move forward on the issues we all came here to address—reducing the deficit and providing health care, education, and jobs for the American people.

I urge its adoption and look forward to working with my colleagues to implement its suggestions.

Mr. SOLOMON. Mr. Speaker, other than our minority leader, the gentleman from Illinois [Mr. MICHEL], the gentleman from Missouri [Mr. EMERSON] probably knows more about the history of this Congress than any other sitting Member. He was a page when for the last time the Republicans had control of this House, in 1954, under the Eisenhower administration.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding time to me and for his kind introduction.

Mr. Speaker, over the past many years, I have given a great deal of thought to the nature and the workings of this great institution in which we serve, and I am pleased to rise in support of the Hamilton-Gradison resolution to establish a temporary, bipartisan joint committee to examine all aspects of the operations of Congress and make recommendations.

Mr. Speaker, I have had what I consider a wonderful opportunity to see and participate in and around this institution from just about all perspectives. In the 1950's, I had the honor to serve as a page in the House of Representatives. During the decade of the 1960's, I was congressional staff person. During the decade of the 1970's, I was a Government relations executive. And since 1980, I have had the privilege of representing the Eighth Congressional District of Missouri in the House of Representatives. I have watched carefully throughout my life as our country and the world have gone through incredible changes: changes in world and national politics; changes in technology; improvements in communications and travel. These and other factors have changed the way America does business, and they have changed the needs of the people and have significant impact on how Congress does or should do its business. I believe we should take a closer look at how the Congress, charged with governing the people, might better respond to those changing needs and, indeed, opportunities.

On two occasions since the conclusion of World War II, the Congress established similar panels to assess the organization and operation of this great body. Each of these resulted in substantial changes in the manner in which the Congress conducted the people's business. I believe the time has come to take another look. Popular opinion of the Congress and of the Government as a whole is at a low, and many people do not trust and do not believe in their Government. It is difficult for a representative democracy to thrive in such a climate, when leaders are constantly eyed with suspicion and distrust. Still, I believe that this institution is worthy of great respect, and one of the tasks that lies before us is to restore public confidence in our Government. This bipartisan joint committee is a step in the right direction. It is time for us to take a close look at the institution and to think about making changes for the future, at how we go about our business and what we may do to improve it.

□ 1150

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Speaker, I rise in support of House Concurrent Resolution 192. I was an early cosponsor of this measure and believe that the proposed Joint Committee on the Organization of Congress will enable the Congress to improve its operations and address the Nation's needs more effectively.

The timing of past major reorganization efforts—the Legislative Reorganization Acts of 1946 and 1970, and the partially successful attempt to restructure House committees in 1974—suggests that the time has come for a reassessment of congressional operations and the development of a contemporary reform agenda. But we face not merely the need for periodic institutional reappraisal: We also confront governmental gridlock and failure in a range of critical policy areas and a level of public disdain for Congress rarely seen over our country's history. It is a difficult and troubling time that calls for a careful assessment of Congress' strengths and shortcomings and of how our performance can be improved.

Not all the criticisms of Congress are equally plausible. It is important to

understand how irrational jurisdictional divisions contributed to our embarrassing failure last year on banking reform, but also to appreciate how such barriers were largely overcome in our production of an energy bill this year. We rightly decry governmental gridlock on economic recovery and tax policy and our failure to get our fiscal house in order or to develop a consensus for health care reform, but we should also take considerable satisfaction at the passage of far-reaching surface transportation, higher education, and energy measures. And we need to understand the degree to which congressional policymaking has fallen victim to presidential intrasigence on issues like family and medical leave, unemployment benefits, campaign finance reform, medical research, pregnancy counseling, and human rights in China.

We must transcend the indiscriminate views of the Congress-bashers and institutional patriots alike, objectively assessing how our institution functions and how well its operations are suited to the demands of the 1990's. This the Joint Committee proposed by Representatives HAMILTON and GRADISON will enable us to do.

Our goal throughout must be, as the resolution states, to "strengthen the effectiveness" of Congress. We seek to create a more efficient Congress turning out an improved policy product. Unfortunately, that task is complicated these days by the presence of a pseudo-reform agenda headed by such nostrums as term limits and the line-item veto—an agenda, one suspects, inspired not by a desire for strength and competence in the Congress as much as for pliability and subservience to the executive.

Much current Congress-bashing actually helps prevent positive change. We need to consider what distributions and concentrations of power will make the institution work effectively, but the Congress-bashers tend to stigmatize all exertions of power as personal aggrandizement. We need to consider what shorts of support services Congress needs to function effectively, but these critics portray such accouterments indiscriminately as perks. We need to strengthen the incentives of Members to devote substantial time and energy to the work of the institution, but these pseudo-reformers often view legislative dealings with a jaundiced eye and encourage a righteous aloofness. All this fuels one's suspicion that some of the most vociferous contemporary critics of the Congress—some deliberately, others inadvertently—are aiming not for a more assertive and effective institution, holding its own in the constitutional balance of power, but rather for the opposite.

The Joint Committee on the Organization of Congress, by contrast, must develop a performance-based critique of the Congress and finds ways to empower and revitalize the institution. This is the sort of agenda that I remember from my time as a Senate aide in the 1960's and my work as a young political scientist. It was an agenda that inspired books with titles like "Obstacle Course on Capitol Hill" and "House Out of Order," by our own Richard Bolling. That stream of reform led to numerous positive changes, the reining in of a House Rules Committee that had become a power unto itself, enhanced leadership responsibility for bill referrals and floor proceedings, the instituting of a Democratic Steering and Policy Committee with responsibility for committee assignments, procedures to make committee chairs more accountable to the majority caucus, and so forth. These changes made the House less vulnerable to obstruction, more responsive to majority will, and better able to address the country's needs. It will be the task of the Joint Committee, and of ancillary efforts already underway in the party caucuses, to develop analogous reforms equal to the challenges of our own day.

It is important, Mr. Speaker, not to oversell the potential of institutional reform to resolve our difficulties. As Thomas Mann and Norman Ornstein, distinguished political scientists, told the House Rules Committee last month:

> The problems of governance in America today go well beyond the internal organization of Congress, or the manner of election to the Congress. They encompass every branch and every level of government and many institutions outside government. They involve members of the public as well as our political leaders. They reflect an extraordinarily complex set of economic and social challenges.

Congressional reorganization will not remove the frustrations of divided party control of Government, nor will it heal deep divisions in society or resolve contradictions in public opinion. Certainly it will not compensate for failures of leadership, vision, and resolve at either end of Pennsylvania Avenue. But it is precisely because the full array of challenges we face is so daunting that we must make certain that our legislative machinery is in optimal working order.

House Concurrent Resolution 192 will enable us to undertake this process of institutional reappraisal and change in a systematic, cooperative, and expeditious way. I urge its adoption so that the work of the Joint Committee on the Organization of Congress might begin immediately.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from across the river in Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise today to share my thoughts about establishing a joint committee on the organization of Congress. I believe the time has come to make a thorough evaluation of the operation of Congress with the sincere intent to implement subsequent recommendations of reform. The American people demand and deserve no less.

I don't have to inform the Memebers of this body of the dissatisfaction the American people have with our Government, particularly the Congress. While there has historically been no shortage of critics of Congress, the present mood is overwhelmingly negative, which makes the task of legislating increasingly difficult. Members and staffs are frustrated by legislative gridlock, partially attributable to negative public opinion. We must respond to the need for congressional reform.

Skeptics may argue that congressional reform is not needed or they may address the issue in a perfunctory manner, claiming that the issue has been blown out of proportion and is not worthy of close scrutiny. Public perceptions, however, in our democratic form of government, translate into political will. And when perceptions are negative, political will is anemic and legislating becomes very difficult. Both parties experience this debilitating gridlock. We can not govern without the consent and will of the people. It is not just our prerogative to make the Congress more responsive to the people, it is our obligation. By enhancing the operations and effectiveness of Congress, I believe that we can strengthen public confidence in this institution.

Mr. Speaker, I am a cosponsor of House Concurrent Resolution 192, a concurrent resolution to establish a joint committee on the organization of Congress because, as I've stated, a thorough review of congressional operations and implementation of needed reforms will help regain the respect, consent, and political will of the American people. I feel, however, that the resolution can be improved, and I testified to that effect when the Rules Committee held hearings on this measure.

I introduced the first House resolution on congressional reform back in January 9, 1991, because of my hope that this House would begin the process of introspection and self-improvement. House Resolution 26, which has 70 cosponsors, would establish a House commission on congressional reform composed of 12 former Members of the House of Representatives appointed by the Speaker and minority leader, and would be charged with developing recommendations that would enhance the efficiency and effectiveness of the House, and improve its capacity for lawmaking, oversight, and representation. I believe that elements of my proposal should be incorporated into the Hamilton proposal, thereby improving the analysis and recommendations of the committee.

I have some concern about the current proposal because, as history is our

guide, past committees on committees or committees on the organization of Congress did not accomplish the laudable goals with which they started. Difficult questions were avoided because protection of personal interests predominated the reform proposals. This was the experience of members of the Bolling committee, the Obey commission, and the Patterson committee, all of which evaluated the operation of Congress during the 1970's. Most Members would agree that the budget process must be improved and committee jurisdiction must be simplified, but past experience illustrates that when it comes down to depriving one or another of committee jurisdiction and power, the process of reform screeches to a grinding halt.

I am skeptical about what we are about to do here today, and I am merely echoing the skepticism levied on this body by my and every Member's constituents. We need to make a bold move and take a fresh look at the operation of this institution, and having former Members of Congress participate would help.

Former Members can greatly enhance the effectiveness of a review committee because they don't have a vested interest in their decisions or maintaining the status quo as sitting Members do. This is not meant to be construed as a criticism of sitting Members of Congress. Retrenchment and maintenance of the status quo are characteristic of all institutions and organizations. Moreover, I have great respect for the qualifications and commitment, the dedication and sense of duty, of the Members of this body. I have been privileged to serve with men and women who have made great contributions to this Nation, both individually and collectively. I do, however, have these reservations based on the congressional reform attempts of the 1970's, and believe that former Members can provide the impartiality that is so desperately needed to be successful in this reform effort.

Former Members are uniquely qualified to assist in this reform effort because of their experience both on and off the Hill. Former members have a perspective only obtained through service in this body: They would understand the imperatives of the election process, the operation of committees, procedures on the floor, legislative time pressures, and the many other facets of the job of U.S. Representative or Senator. Some former Members have experienced the successes and failures of past efforts to enhance the operations of the Congress, and could bring this to bear on an analysis of Congress.

Mr. Speaker, I would like to enter into the record at this time copies of two letters I received from two highly respected former Members of the House, the Honorable Robert N. Giaimo and the Honorable Richard H. Ichord, both of whom support the concept of having former Members participate in reforming the institution they hold in such high regard.

Mr. Speaker, I believe the time has come for an independent review of the Congress. Even though the Rules Committee dropped the concept of having former Members sit on this joint committee, even as advisory members, I will support this proposal with the hope that Members are committed to true reform and are ready to make some tough choices in order to restore the integrity of this body, and the confidence of the American people.

WASHINGTON, DC,
February 4, 1991.

Hon. FRANK WOLF,
Member of Congress, Washington, DC.

DEAR FRANK: Thank you for your letter of January 15 asking for my thoughts in regards to your proposal to establish a commission on congressional reform for the House of Representatives. I believe your idea is an excellent one and I wholeheartedly endorse the proposal. It is high past time for reform and it is my opinion that no group of citizens would be better qualified to serve on the commission than a bi-partisan body of members who have served in the House. In addition the recommendations of such a commission would undoubtedly be more persuasive to the House than the recommendations of a commission without the experience of congressional service.

Frank, I agree with you. The fact that a large percentage of the American electorate believe that they can improve the Congress by restricting their own powers is evidence of how dangerous the situation is. Reform is accomplished not by changing our structure of government as defined by the constitution but by adding to, detracting from, or redistributing the powers of the governing. Trying to accomplish reform by taking away the right of the electorate to elect an incumbent is absolutely inane. The electorate already has the power every election to vote out the incumbent if it desires. Term limitations have not worked well in the case of the executive. Legislative term limitations would be disastrous.

Almost any scheme of financing elections would be an improvement over the present method. Spending one million dollars to be elected to the House of Representatives is obscene. The present system of financing is corrupting our political processes and should be changed. It will be difficult to come up with a system without deficiencies but almost any system is better than what we have now.

It is my sincere wish that your good and worthwhile endeavors are crowned with success. Best regards to you always.

Sincerely yours,

RICHARD H. ICHORD,
Attorney at Law.

Washington, DC, February 4, 1991.

Hon. FRANK R. WOLF,
U.S. House of Representatives, Washington, DC.

DEAR FRANK: Thank you for your interesting letter dealing with the establishment of a House Commission on Congressional Reform. I think your belief that people are dissatisfied with Congress is well taken. Many people are indeed unhappy with their Government and especially with their Congress. I, too, find myself increasingly disenchanted with the institution which I revered and respected from my earliest days. I am especially saddened to see the institution which was clearly the bastion of freedom and hope and democracy now reduced to an almost impotent, frequently ineffective but still posturing giant.

The average American, especially, is terribly frustrated and senses a general feeling of unease and concern but does not really know how to remedy the situation. And so we learn of suggestions such as term limitations, public financing and other good sounding quick cure alls. Perhaps they are cures, perhaps not—but we should find out. Maybe the role of money (Campaign contributions, honoraria, excessive war chests, etc.) should be considered as the most serious contributing factor to the diminution of Congress as an institution.

I am repulsed by the evil which hundreds and hundreds of thousands of dollars in campaign war chests have brought to Congressional affairs since I left Congress at the end of 1980. I left with no money in my campaign accounts. Since 1980, very few can make that statement. I find the role of excessive money unhealthy for the institution as a whole, to say nothing about its corrupting effects on individual members of congress.

I am concerned about the citizen legislator; the person who goes to Washington for some years and participates as a legislator but does not make it a lifetime vocation; does not depend on it for his or her main source of income security. The House reforms of the mid-1970's, in which I unfortunately participated, contributed to the demise of the citizen legislator and gave rise to the ascendancy of the professional and permanent legislator. It is my belief that many bad consequences have followed. One is the exclusion from Congress of some of our best citizens because of the outside earnings limitations: another, the exclusion, of many good people because of the lack of campaign financing—the smart money goes to the incumbent; Others involve the evils of micromanagement which the professionalization of the membership and overblown staffs have brought to the permanent government, the agencies and departments reduced to inaction and ineffectiveness. I could go on and on.

I believe it will be very hard for Congress to reform itself. The incumbent has such a tremendous edge in all ways; money, staffs, exposure, public relations experts, media experts and on and on. It would be naive to expect them to change a good thing. A commission could do some possible good. I know from my contacts with other former members that many feel as I do and are sadly disenchanted with their beloved institution. I think many of us believe your ideas are good ones and would like to help.

This will not be an easy undertaking for you and will not earn you accolades from many of your colleagues. You will however render a great and much needed public service. Please feel free to use this letter in any way you wish.

With kindest personal regards to you.

Sincerely,

ROBERT N. GIAIMO,
U.S. Representative (Retired).

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I rise in strong support of House Concurrent Resolution 192, to set up a Joint Committee on the Organization of Congress

to develop a bipartisan plan for improving legislative operations. The mandate of the joint committee would be to examine thoroughly all aspects of the operations of Congress, and to make recommendations to the appropriate standing committees of the House and Senate for consideration and action. The joint committee would disband upon the conclusion of its work, no later than December 1993.

Time after time I have heard from third district residents who have sent one message loud and clear: That this Congress should use today's frustration with the institution as a springboard for fundamental Congressional reform. I wholeheartedly agree. That's why I cosponsored this bill last year and urge the leadership to act on it. I hope it will help restore public trust and confidence in this institution, so that this chamber is truly the people's House, as our Founding Fathers envisioned.

We've already passed legislation to make a number of important reforms in the administrative structure of the House. This was a good start. But, clearly, more needs to be done to improve overall operations and increase the respect and credibility of this Chamber. House Concurrent Resolution 192 is the next best step. It should substantially strengthen the legislative process. That is what the American people have called for.

The bill will help us find ways of improving the operations of the Congress and allow us to take a comprehensive look at whether this Chamber is currently organized and equipped, as it ought to be, to address the tremendous challenges that face us at home and abroad. With important issues such as health care, education, economic development, and job creation at the forefront, this measure couldn't be more timely. I hope it will help us make progress on issues such as these, and on other matters, that have been bogged down in the legislative process for far too long and are in need of action.

House Concurrent Resolution 192 would establish a bipartisan joint committee to develop ways to reorganize Congress, make it more effective and efficient, and improve legislative decisionmaking, representation, and oversight. These are goals I strongly support. The task of the committee would be to look for ways of improving the overall operations of Congress, such as simplifying its operations, improving the orderly consideration of legislation, and improving its relationship with the executive branch. With the last major overhaul along these lines taking place several decades ago, I believe it's time for another comprehensive look at the operations of Congress. I urge my colleagues to join with me in supporting House Concurrent Resolution 192.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the chairman for recognizing me, and I rise, Mr. Speaker, in strong support of this resolution. I am saddened by the words of my friend and colleague, the gentleman from Virginia [Mr. WOLF], with his pessimism toward this resolution and the outcome thereof.

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I think that this is a tremendous opportunity for this body to reform itself along the lines as we did in 1946 and 1970.

I think that this body, which is established under the first article of the U.S. Constitution, the one that is closest to the people, can respond to the feelings and concerns of all Americans across our country.

I would like to point out as an example, back in 1986, we culminated 4 years of very difficult and at times bitter attempt to reorganize the Pentagon and the military and the chain of command. We did so. It was successful. It is known today as the Goldwater-Nichols bill. I had a very interesting and fulfilling role in those 4 years of putting that together. It was not easy. Reorganization never is easy.

But we in this House under our constitutional jurisdiction and the constitutional duties of article I of the Constitution can do it, and we must do it, and I think that in so doing we will respond and create a new era of confidence in the Congress of the United States.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SANTORUM], one of the reformers of the House.

Mr. SANTORUM. Mr. Speaker, I rise in support of the Hamilton-Gradison bill.

CONGRESSIONAL REFORM: SELECTED ISSUES AND OPTIONS FOR THE HOUSE OF REPRESENTATIVES

CONGRESSIONAL REFORM: SELECTED ISSUES AND OPTIONS FOR THE HOUSE OF REPRESENTATIVES

Summary

Former House Speaker Thomas Reed once described congressional reform situations as times when "an indefinable something is to be done, in a way nobody knows how, at a time nobody knows when, that will accomplish nobody knows what".

As the Congress considers congressional reform, there appears to be general consensus on the need to change, but little agreement on what to change, when to change, and how to change. Some broad topics, perennial targets for reform discussions, have been mentioned: committee system, floor procedure, management and administration, and staffing and allowances.

CONGRESSIONAL REFORM: SELECTED ISSUES AND OPTIONS FOR THE HOUSE OF REPRESENTATIVES

This report has been prepared at congressional request. In conformance to the guidelines set by the requester, it covers the following topics: committee system, floor procedure, management and administration, and staffing and allowances. It does not cover questions relating to "quality of life," ethics, legislative-executive relations, and congressional documents.

I. COMMITTEE SYSTEM

The committee and subcommittee system is central to the legislative process. Committees are the initial point of reference for measures introduced and often the place where the fate of a measure is determined in part because most measures must be reported by committees before they are considered by the full chamber.

Although the contemporary committee system is primarily a product of the Legislative Reorganization Act of 1946, which among other things streamlined the committee system, codified committee jurisdictions, and instituted a professional committee staffing structure, modifications to the system have since occurred. The Legislative Reorganization Act of 1970, the Committee Reform Amendments of 1974 (Bolling-Hansen Committee), the Congressional Budget and Impoundment Control Act of 1974, and the work of the Commission on Administrative Review (Obey Commission) in 1977 and the Select Committee on Committees (Patterson Committee) in 1979, each altered aspects of the House committee system. For example, the Bolling Committee focused primarily on organizational and structural issues such as committee jurisdiction, while the Obey Commission addressed primarily management and administrative reforms. Finally, many decisions affecting committee and subcommittee organization and operations (such as assignment procedures and limitations), and some policies related to floor procedure (such as limitations on use of suspension of the rules), are within the purview of the respective party caucuses; they too have modified party and House rules on several occasions since 1946.

Notwithstanding periodic change, there is momentum in the 102d Congress for a comprehensive review of congressional organization and operations, including the committee system. Such a review would undoubtedly address committee assignments, numbers, sizes, and ratios, jurisdiction and referral, staff and funding, and committee procedures.

Organization and membership

Member appointment to committees is essentially a party rather than a chamber function, with the Democratic Caucus' Steering and Policy Committee and the Republican Conference's Committee on Committees having primary responsibility for making committee assignments. The majority party has the further responsibility of determining party ratios on each panel. The committee assignments Members initially receive are often retained throughout their legislative service (although some Members will seek appointment to a committee with greater relevance to their constituency, or to more prestigious "exclusive" committees when a slot becomes available). By remaining on a committee Members accrue seniority and eventually may be elected subcommittee or even full committee chairs or ranking minority members. Since each party imposes limitations on the number of committees and subcommittees on which a Member can serve (generally two committees and three subcommittees for Democrats and one committee and three subcommittees for Republicans although waivers for temporary additional assignments are occasionally granted), Members gain expertise in the issue areas handled by their committees. Therefore, specialization among Members has been viewed as one of the hallmarks of the House committee system.

As the number of committees, subcommittees and informal groups and task forces have increased and an expanding number of waivers and temporary assignments have been granted, so too have the number of assignments per Member. Further, as party caucuses attempt to accommodate Member's requests for specific assignments, committee sizes have been increased often to provide the requested assignment. Relatedly, the majority party has occasionally altered ratios to reflect political realities on some committees. All this has created workload problems, as well as the concern that as the number of assignments increase Members become spread too thin, minority members are often underrepresented because of the ratios on some committees, and generally there are too many committees and subcommittees. Further, specialization among House Members is no longer seen as important as once believed.

Some Members have called for removing the decisions on committee size and ratio from the party caucuses and making them full chamber decisions. Others have called for strict adherence to caucus committee assignment limitations by not granting waivers or temporary assignments, while others have suggested rotating committee assignments and/or rotating chairmanships. Some have even suggested allowing committee sizes to be set by accommodating requests by Members. Republicans seek guaranteed parity on some committees and proportional representation to be required in roles on all others. Some critics have advocated more reliance on subcommittee government, while others have advocated less. Finally, some have called for the abolition of non-legislative select and special committees and task forces, while others have suggested abolishing standing committees with limited jurisdiction. The value of joint committees has also been questioned, on occasion, promoted.

Jurisdiction and referral

The subject jurisdictions of House committees have not been comprehensively revised in almost fifty years since being codified by the Legislative Reorganization Act of 1946. Although modest modifications in formal Rule X jurisdictional alignments have been made since then, they have not been as sweeping as some have recommended, e.g., the Boiling Committee, or others would have liked. Relatedly, informal agreements based on bill referral and precedent have been formulated which affects the official jurisdictional responsibilities of committees but which are not mentioned in Rule X. As such, critics charge that formal jurisdictions have not sufficiently shifted a committee's focus toward emerging policy areas. As of 1975, the Speaker may refer bills to more than one committee, either simultaneously or sequentially, when the subject of the measure overlaps several panels' jurisdiction. Some view multiple referrals as creating, rather than solving, policy problems. Accordingly, specialization can be lost and competition between committees' differing policy approaches can occur. In addition, as committees seek to retain jurisdiction prerogatives, often at the expense of expeditious and necessary policy consideration, turf battles and legislative gridlock can occur.

Nevertheless, if the House were to adopt restrictive guidelines on the use of multiple referrals, the conflicting jurisdictional claims of House committees may increase in severity. However, if the House acted to reduce jurisdictional overlap among its committees, the need for bills to be referred to more than one committee might be reduced. Accordingly, most believe that changes in jurisdiction and referral procedures must be made in tandem to be effective in solving the problem. Relatedly, it should be considered if a new jurisdictional alignment would necessarily enhance or further impede effective consideration of emerging policy issues.

Proposals relating to jurisdiction and referral have been seen as sweeping, incremental, or cosmetic. Some have suggested a system of numerous committees with relatively narrow jurisdictions, while others have advocated having a few committees with relatively broad jurisdiction. Proposals to correspond House and Senate committee jurisdiction, or correlate them with federal agency responsibilities or budget functions have also been forwarded. Some Members have suggested merely clarifying Rule X by making the terms more explicit or representative. Some have also called for codifying informal precedents and agreements in the Rule. Still other Members have recommended making Rule X reflect programmatic responsibilities by reflecting specific legislative terms rather than the terminology currently used. Some members are merely seeking a more definitive listing of subject responsibilities among committees. Relatedly, some Members have called for abolishing multiple referrals, while others advocate limiting their use.

Staff and funding

Relatedly, because of an increasing number of assignments per Member, notwithstanding the limitations, and an increasing number of both formal and informal panels, it has been charged that Members have relied more on committee staff. Some have charged that specialization has now become the hallmark of staff rather than of Members.

Critics have charged that there are too many committee staff, and a misallocation of them between committees (too many) and Members (not enough) and between the majority and the minority, who contend that they are not afforded an equitable or proportional number of staff or resources. Relatedly, as workload increases yet policy outcomes do not keep pace, there is little consensus on whether congressional staff are part of the problem as some suggest or part of the solution as others contend. Some critics charge that staff have too much power and in order to justify their positions, contribute to the increased workload. Conversely, staff have only the extent of power granted by their Member and reflect the expressed needs of that Member. Finally, staff have few job protections and generally are not covered by federal, civil rights and labor laws.

Proposals have been forwarded which would reduce the number of staff or redistribute existing staff. Republicans have sought a more equitable proportion of staff. Questions about autonomous subcommittee staff and loaned agency staff have also been raised. Some have recommended altering the committee funding process, both in its formulation and in its consideration by the House Administration Committee and the full chamber; for example, by allowing specific amendments to be offered. Relatedly, there have been calls for abolishing the current funding process and creating a different system, such as zero based budgeting.

Committee procedure

Finally, House rules, especially Rule XI, provide direction and impose certain requirements on committees regarding how they shall conduct their business. Committees also are required by House rules to adopt their own internal operating procedures within the constraints of House rules but with latitude for adaptations to account for the political, procedural and policy needs of the panel. As concerns are raised about perceived problems and inefficiencies in floor procedures, many similar questions are also raised in connection with committee procedures.

Critics complain about the prevalent use of proxies for voting in committee which are not permitted during floor consideration. When taken in relation with concerns about inequitable committee ratios, some members charge that proxies compound the problem by allowing so-called "ghost voting". Proposals to end proxy voting are repeatedly offered, especially by the minority in their omnibus rules package.

Committee reports, especially policies regarding the inclusion of separate minority, additional or supplemental views have also proven controversial. Proposals have been forwarded to allow greater input into reports by all committee Members, both junior majority and all minority members. As well, there is sentiment for requiring subcommittee reports and subcommittee Ramseyers in recognition of the increased autonomy of subcommittees. Committee hearings are not always printed and some Members have advocated requiring such printing, in part because hearings, generally, are not well attended by Members. Conversely, if some panels were abolished, attendance at hearings and meetings might increase, thereby mitigating the need to print hearing transcripts. Some have suggested reviewing the list of committee documents that are currently required by the Rules and assessing the need for all of them.

The relationship between subcommittees and their parent committee regarding such things as autonomy, rules of procedure applicability, and staff and funding have sometimes proven contentious. Periodic attempts to clarify or codify the relationship have met with limited success in the past and many have suggested undertaking yet another review.

JURISDICTION

No characteristic of the committee system is more critical than its jurisdictional structure—the way in which it divides and distributes control over policy subjects. Since the last comprehensive reorganization of the committee system in 1946, the House has made few and relatively minor changes in jurisdictional alignments, most recently in 1974. Critics charge that despite these changes, Congress has not sufficiently shifted the system's focus toward policy areas newly emerged since World War II. Questions are raised concerning duplication, overlap, or neglect of some issues, and the resultant enhancement or impediment to policy making. In addition, the continued use of non-legislative select committees or task forces seemingly highlights the jurisdictional problems among committees by adding an additional layer of consideration and duplication of effort, and their existence often fosters turf battles and legislative gridlock.

Options

1. Realign jurisdictions to equalize workload or unify responsibility over major subject areas, while retaining the existing committees.
2. Realign jurisdiction to parallel budget function categories.
3. Realign jurisdiction to parallel Federal agency organization.
4. Realign jurisdiction to correspond House-Senate committee jurisdictions.

5. Realign jurisdiction along broad policy areas, i.e. health, energy.

6. Create a system of numerous committees with relatively narrow jurisdictions.

7. Create a system of a few committees with broad and integrated jurisdictions.

8. Relate any revised jurisdictional language to possible changes in the referral process.

9. Relate any revised jurisdictional language to possible changes in the creation of select committees or task forces.

10. Eliminate some committees, combine others, and realign jurisdictions accordingly.

Pending legislation (102nd Congress)

1. H. Res. 127 introduced on 4/17/91 by Rep. Edwards (OK) would require the Rules Committee to study committee jurisdiction.

2. H. Res. 52 introduced on 2/5/91 by Rep. Solomon and H. Res. 80 introduced on 2/20/91 by Rep. Paxon would create a Standing Committee on Drug Abuse and Control.

Literature citations

King, David C. *Congressional Committee Jurisdictions and the Consequences of Reforms.* Apr. 8, 1991. Prepared for delivery at Annual Meeting of Midwest Political Science Association. 34p.

REFERRAL

Related to the issue of jurisdictional overlap is committee referrals. Multiple referrals, allowed in the House since 1975, have enabled many committees to become involved in issues which may not be apparent in their traditional Rule X jurisdiction. There are several types of multiple referrals: joint, or simultaneous, to more than one committee; split, or divided and referred according to its component parts; or sequential, to additional panel(s) after the first committee(s) has reported. Sequential referrals are often limited to issues within the committee's jurisdiction, and usually have an imposed time limitation with an automatic discharge if the deadline comes with no action taken by the committee. Authority is vested in the Speaker to determine multiple referral conditions. The requirement that all committees receiving a referral must act prior to the bill going to the floor often kills the legislation.

Proponents of multiple referrals ever that they serve as avenues for flexibility, as facilitators of intercommittee cooperation, and allow for input and differing viewpoints to be considered on a measure. Critics charge that the process is too complex, leads to too much duplication of effort, opens the process too much to pressure groups, and causes substantial delay, even breakdown, in the legislative process. It should also be noted that the 1975 allowance of multiple referrals was recommended simultaneously with a restructuring of committee jurisdiction (Bolling reform). It was believed that such restructuring would minimize the need for multiple referrals. However, the accompanying major rework of committee jurisdiction fell by the wayside.

Options

1. Eliminate all multiple referrals.

2. Eliminate joint referrals, maintain sequential referrals.

3. Eliminate sequential referrals, yet maintain joint referrals.

4. Limit the scope of sequential referrals, including possibly specific citations to sections of measures or issue to review, rather than to items "within their jurisdiction" which could be seen as quite openended.

5. Impose a deadline for seeking a multiple referral (especially sequential referral).

6. If joint referrals are maintained, designate a lead committee.

7. Impose time deadlines for all multiple referrals and an automatic discharge if the deadline is not met. Relatedly, if one committee reports a measure, require the other committees to report within a specified time frame or be discharged.

8. Eliminate extensions granted on sequential referrals, or require written justification for an extension.

9. Maintain status quo but make changes in jurisdictional alignments to hold down on the number of multiple referrals.

10. Maintain status quo.

11. Relate any changes in referral process to changes in committee jurisdiction language.

12. Prohibit committees from multiply referring bills among their subcommittees.

Pending legislation (102nd Congress)

1. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK), Republican leadership omnibus Rules package, would among other things, ban joint referrals.

2. H. Res. 419, introduced 4/3/92 by Rep. Michel. Republican Reform Task Force proposal would end joint referrals.

Literature citations

U.S. Congress. House. Select Committee on Committees. Final Report. 96th Cong. 2d sess. Washington, U.S. Govt. Print. Off., 1980. p. 463-477.

NUMBERS, SIZES, AND RATIOS

In the 1st session of the 102nd Congress, there were 22 standing committees with 135 subcommittees, and five select committees with 11 subcommittees. House Rules identify the standing and permanent select committees. For each new Congress party leaders generally set the size of each committee, which currently range from 12 to 69 members, and determine the ratio of majority to minority members on each committee. Each standing committee (except Standards) must have at least three Democrats for every two Republicans, under Democratic Caucus Rules.

Each standing committee (except Budget) with more than 20 members must establish at least four subcommittees, and most panels are capped at six, seven, or eight under Caucus Rules. Within the guidelines of House and party caucus rules, the Democrats on each legislative committee determine the number of subcommittees and the size of each. No subcommittee may exceed 70% of the full committee's size under Caucus Rules. They also largely determine each subcommittee's party ratio, which under Caucus Rules must be no less favorable than the full committee ratio.

At issue are the optimum number, size, and party ratio on committees and subcommittees. Reformers charge that there are too many panels and that panels are too large, which result in too many assignments per Member; unwieldy panel and fragmented, difficult to aggregate policymaking. Some have also argued that party ratios on panels are too favorable to the majority party. Defenders of the present system argue that current arrangements give each Member the opportunity to formulate policy in many areas and to lead panels, and that ratios reflect the desire of Americans for the majority party to have the upper hand in policymaking.

Options

1. Establish fewer panels, through the creation of only major, policy committees, or the creation of two categories of committees—major and non-major.

2. Eliminate select and joint committees. Alternatively, create joint committees for all or many areas of policy.

3. Create parallel committee systems in the House and Senate, or with the executive agencies.

4. Abolish subunits of all committees. Alternatively, impose a small cap on total subunits for all committees, and limit the number of subcommittees each committee can have to a fixed number, (except Appropriations). Relatedly, prohibit committees from establishing subunits other than subcommittees. Perhaps allow creation of ad hoc subcommittees as needed.

5. Take control of the subcommittee structure away from full committees, and require House action to establish any subunits. Alternatively, require each committee to submit its proposed subcommittee structure to the House (or the Rules Committee or the Democratic Caucus) for approval.

6. Set the size of committees in House Rules; determine whether and under what conditions they can be altered. Relatedly, limit the size of each committee to a fixed number. Alternatively, establish uniform sizes across committees.

7. Allow Members' interest in assignment to panels to determine their size.

8. Limit in House Rules the size of each subcommittee to a fixed percentage of the full committee size. Alternatively, establish uniform subcommittee sizes across committees.

9. Give designated committees and/or subcommittees an equal number of Democrats and Republicans, such as those responsible for House operations (e.g. House Administration) and for oversight (e.g. Government Operations).

10. Require the membership of each committee and subcommittee to reflect the ratio of Democrats to Republicans in the House. Ensure at least a one vote margin on each panel for the majority party.

11. Increase the majority's allotment of seats on committees and subcommittees, e.g., by establishing a two to one plus one ratio on each. Extend only to additional exclusive or most important panels, such as Appropriations and Ways and Means.

12. Adopt regulations governing how Members from third parties will be counted in the committee and subcommittee ratios. Relatedly, count the Resident Commissioner and Delegates in committee and subcommittee ratios.

Pending legislation

1., 2. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK) and H. Res. 419, introduced 4/3/92 by Rep. Michel. Both generally require each standing committee (except Budget) with more than 20 members to establish between four and six subcommittees (except Appropriations), and the membership of committees (except Standards) and their subunits to reflect the ratio of majority to minority party members in the House. H. Res. 419 also eliminates current select committees other than Intelligence.

3. H. Res. 418, introduced 4/2/92 by Rep. Snowe. Limits the size of each committee to 25 members.

Literature citations

Dannemeyer, William E. Reforming Committee Ratios. *Congressional Record,* Daily Edition, v. 131, January 3, 1985. p. E103.

Preamble and Rules of the Democratic Caucus. One Hundred Second Congress. January 9, 1991.

ASSIGNMENTS

Each party uses a panel to recommend its members for assignment to, and leadership

of, committees. The pertinent full party conference reviews and votes on the nominees, then the slates are sent to the House for pro forma approval. In general, the Democrats on a committee choose subcommittee slots and chairmanships based on full committee seniority; in practice each panel's Republicans often choose similarly although full committee ranking members have discretion in this area. Issues include whether to further limit the current number of panels which Members can serve on and head; whether to place tenure limits on Members' service on, and leadership of, panels; the extent to which seniority is used in determining committee and subcommittee leaders; the roles of the assignment panels and party conferences and leaders in determining committee assignments; and the roles of committee members and leaders in making subcommittee assignments.

Options

1. Group committees into categories with assignment limits applicable to all Members. Relatedly, limit the assignments of each Member to one committee and to a fixed number of (between three and five) subunits.

2. Conversely, remove restrictions on the number of committees and subcommittees on which a Member can serve and chair, and allow each Member to serve on panels of his or her choice.

3. Place a fixed tenure limit on Members' service on and leadership of all, or only prestige, committees six to 12 years for service, and four to eight for leadership positions. Rotate Members among committees, possibly rotating one-third of a panel's members at a time, but allowing for later reassignment to a panel. Alternatively, encourage Members to switch committees, such as by calculating committee seniority based on all or part of a Member's House seniority. Also, permit Members to swap assignments by voluntary agreement.

4. Prohibit temporary leaves of absence from committees. Alternatively, encourage such leaves, perhaps by according Members favorable seniority rankings on their temporary assignments.

5. Allow assignment panels to nominate multiple individuals for either chair or ranking member, regardless of seniority. Relatedly, in choosing the leaders weigh equally with seniority such factors as merit, prior service record, future promise, regional representation, and loyalty to party leaders. Alternatively, require nominations for chair and ranking minority member strictly in order of committee seniority.

6. Allow minority members to chair panels, in proportion to their House strength or based on a lower, fixed percentage, e.g. 10%–25%.

7. Allow the Speaker and Minority Leader to nominate party colleagues for assignment to all, or to additional, key committees, subject to conference and House approval or only to House approval. Alternatively, allow each party conference to nominate and choose its committee members and leaders, without subsequent House approval.

8. Apply the procedures for assignments to standing committees to select and joint committees. Alternatively, authorize in Rule the Minority Leader to assign minority members to select and joint panels.

9. Require committee memberships to mirror the House membership, e.g., in terms of region and ideology of Members. Similarly, make the assignment panels more representative of the House.

10. Establish a joint panel of Democrats and Republicans to assign all members to, and to choose leaders of, all committees. Alternatively, make assignments by random drawing.

11. Establish a uniform procedure for determining subcommittee assignments and leadership positions. For example, require all committee members to bid on subcommittee leadership and membership slots based on subcommittee seniority, or based on full committee seniority (as Democrats do currently). Alternatively, allow each chair and ranking member to choose their respective party's subcommittee members and leaders.

12. Following assignment of committee members, allow members of each party on each committee to choose their full and subcommittee leaders, through open elections.

Pending legislation

1. Several measures have been submitted limiting the number of panels on which a Member may serve, including: H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK) and H. Res. 419, introduced 4/3/92 by Rep. Michel, precluding a Member's service on more than four subunits of House committees; and H. Res. 418, introduced 4/2/92 by Rep. Snowe, prohibiting a Member's service on more than one standing committee (except Standards).

2. Several measures have been submitted limiting tenure as a member or leader of a committee or subcommittee, including 1) H. Res. 215, introduced 8/2/91 by Rep. Shaw, (limiting service as member to 12 years); 2) H. Res. 273, introduced 11/7/91 by Rep. Kyl (limiting service as a member, and as chair or ranking minority member, of a standing committee to 12 and 4 years respectively); 3) H. Res. 312, introduced 11/26/91 by Rep. Owens (limiting service as chair of a standing committee or subcommittee to eight years); 4) H.R. 4224, introduced 2/14/92 by Rep. Fawell (limiting a Member's standing committee service to six years, but providing for reassignment to a panel); and 5) H. Res. 312, introduced 11/26/91 by Rep. McCurdy (limiting service as chair or ranking minority member of a standing committee to four of six successive Congresses). H. Res. 312 also provides for election of committee leaders by party leaders.

Literature citations

Preamble and Rules of the Democmtic Caucus. One Hundred Second Congress. January 9, 1991.

Republican Conference Rules. One Hundred Second Congress.

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SUBCOMMITTEES

Pursuant to Rule XI, clause 1, the rules of the House are the rules of its committees and subcommittees, to the extent applicable. Each subcommittee is subject to the direction of its parent committee and to the rules of the parent committee to the extent these rules are applicable. However, various provisions within Rule XI are not expressly applicable to both committees and their subcommittees. Questions have occasionally arisen with regard to interpreting subcommittee authority: if House Rule XI does not make a procedure specifically applicable to subcommittees, does the general proviso that House Rules are applicable to both committees and subcommittees govern any apparent variability in the remainder of House Rule XI?

Options

1. Make all rules regarding committees expressly applicable to all subcommittees of the House.

2. Require the approval of the House (or of the party caucuses) for the establishment of all subcommittees within a committee, and approval of the legislative and oversight jurisdiction assigned to each.

3. Require subcommittees to adopt written rules of procedure and end variable subcommittee procedures within the same committee.

4. Establish in House Rules a maximum number of subcommittees per committee.

5. Require review or approval by the House, or by a committee of the House (such as House Administration or House Rules), of all House committee or subcommittee rules to assure that they are "consistent" with House Rules.

6. Require formal election of subcommittee chairs and ranking members by the House as is now the case for full committee leaders; alternatively, require such approval by the relevant party caucus or conference. Because of their importance, require the election of Appropriations (or other unique committees) subcommittee chairs and ranking members by the House.

7. Specify to what degree the following House rules apply to subcommittees: regular meeting day; calling additional or special meetings; presiding officer in absence of chair; separation of committee records from personal office records and preservation of such records; public access to subcommittee records including journals and transcripts; subcommittee meetings during 5-minute rule debate; and minority rights to summon witnesses.

8. Review the authority of legislative subcommittees over measures: should all legislation be referred for initial action to a subcommittee; should the subcommittees have authority to mark-up legislation referred to it; should a subcommittee have the authority to request a sequential referral of a bill reported from a sister subcommittee; what parliamentary standing at the full committee is a subcommittee reported measure to have (must the full committee consider the subcommittee vehicle; may the full committee chair offer a "chairman's mark" instead); and should subcommittees be required to file written reports on legislation in a manner similar to that of full committees? Alternatively, should some or all subcommittees be limited to holding hearings and conducting oversight, with authority to mark-up and report bills reserved to the full committee?

9. Require subcommittees to prepare some or all of the following documentation to accompany a measure reported to full committee: statement of majority, minority, supplemental and additional views; Ramseyer print; cost, inflationary, and regulatory statements; oversight findings; recapitulation of quorum establishment and votes on amendments, motions, and reporting actions.

Pending legislation

None.

Literature citations

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Deering, Christoper J. and Steven S. Smith. Subcommittees in Congress. In *Congress Reconsidered*. Edited by Lawrence C. Dodd and Bruce I. Oppenheimer. 3d Edition. Washington, Congressional Quarterly Press, 1985. pp. 189–210.

Hall, Richard. Committee Decisionmaking in the Post Reform Congress. In *Congress Reconsidered*. Edited by Lawrence C. Dodd and

Bruce I. Oppenheimer. 4th Edition. Washington, Congressional Quarterly Press, 1989. pp. 197–223.

PROXY VOTING IN COMMITTEES

Voting by proxy in committees allows one committee member, in practice often the chairman and ranking minority member, to cast a vote on behalf of an absent member. Most committee rules specifically authorize a proxy voting although some, including the Appropriations Committee and the Rules Committee, do not.

Proxy voting generally favors the majority party which tends to see the practice as a prerogative of majority rule (although, in 1973, it was defended by House Minority Leader Gerald R. Ford). Defenders of the rule argue that a Member's time is at a premium and that proxies are one way to mitigate the demands placed upon a Member's often hectic schedule. An argument has also been made that proxies may more accurately reflect a subcommittee or committee's intent than would otherwise be possible. Opponents of the rule point to its inherent unfairness, allowing a majority to control a vote though those casting the votes may, in fact, be absent. Moreover, it has been argued that Congress has never chosen to allow floor votes by proxy, yet a Member's vote in a closely divided subcommittee or committee may be far more significant than the floor vote of the Member on the same bill. During the era of strong committee chairmen, it was argued that the power of the chairmen to dominate their panels was enhanced by their capacity to trade favors for proxies.

In the 1970 Legislative Reorganization Act the House prohibited proxy voting unless each committee adopted its own rule. In late 1974, the House voted to ban proxy voting entirely, but the ban was modified by the Democratic Caucus at the start of the 94th Congress in 1975. The present rule permits proxies on specific actions and requires that they be signed and dated and that the member assert he is absent on official business. General committee proxies are permitted only for certain procedural matters such as motions to recess and adjourn but they may not be counted for a quorum.

Options

1. Ban all proxy voting in committees.
2. Allow proxies during the amending process, but not for final committee approval.
3. Permit Members a limited number of proxies for each session of Congress. When those are used up, they must appear in person to vote.
4. Permit proxies for certain types or classes of votes.
5. Distinguish between proxy use in committees and subcommittees.
6. Further clarify what should be included in each proxy if allowed.
7. Make proxies available for inspection by all committee members.

Pending legislation

1. H. Res. 127, introduced 4/17/91, by Rep. Edwards (OK). Republican omnibus rules package. Sec. 11 prohibits proxy voting in committee "with respect to any matter."
2. H. Res. 419, introduced 4/3/92, by Rep. Michel and others. Sec. 207 bans voting by proxy in committees.

Literature citations

Hall, Richard L. Committee Decision Making in the Postreform Congress. In *Congress Reconsidered*, 4th ed., Dodd, Lawrence C. and Bruce I. Oppenheimer, eds. Washington, CQ Press, 1989. p. 204.

Rhodes, John J. *The Futile System*. New York, EPM Publications, Inc., 1976.

U.S. Congress. Congressional Research Service. *Voting by Proxy in Congressional Committees*, by Richard C. Sachs. [Washington] Apr. 28, 1983. 17 p.

QUORUMS IN COMMITTEES

House rules determine how many committee members must be present to transact committee business. These quorum requirements vary depending on the nature of the business. Unless committee rules set a higher number, not less than two Members must be present to take testimony, one-third of the membership is required to conduct other committee business, including marking up legislation, and a majority must be present for a vote to report a bill to the House and for certain other actions.

Some reformers have long argued that the one-third rule is unfair and should be changed to the same quorum required for reporting a measure, one-half. They argue that amending legislation is just as important, if not more so, than reporting it and should be accorded the same quorum status. Moreover, the claim is made that, since quorum rules are not self-enforcing, committee chairmen may disregard the rule and take up business with less than the required number of Members present. A majority quorum rule would increase committee attendance. Defenders of current practice say that the one-third rule provides Members some relief from scheduling conflicts while the requirement of a majority quorum to report legislation assures integrity in the legislative process. Politically, the issue is related to proxy voting because it rests upon the inherent advantage in numbers enjoyed by the majority party.

Another issue is the matter of the two member quorum for hearings. Some say this discourages attendance at one of the most public facets of committee business, one that directly involves citizens in the legislative process. Further, a mostly empty dias portrays a poor image of Congress at work. Defenders of current practice say, again, that Members are faced with scheduling conflicts and so there must be some allowance for relief, and further, that the policy process rarely suffers because the hearing record is available for study by absent committee members. Additionally, the issue of uniformity among committees regarding quorum requirements has been raised.

Options

1. Require a quorum of a majority of the committee members to conduct all business.
2. Allow the committee leadership to negotiate quorums, or the committee itself to decide what its quorum shall be at the start of consideration of a bill.
3. Change the quorum for hearings to encourage more attendance; or alternatively, adopt a system similar to the Senate's where a single Senator may hear testimony.

Pending legislation

1. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK). Sec. 13 amends the House Rules to require a majority of committee or subcommittee members to be present to transact any kind of business, including markup of legislation.
2. H. Res. 419, introduced 4/3/92 by Rep. Michel, et al. Sec. 209 amends the House Rules to require a majority of a committee or subcommittee for the transaction of any business, including markup of legislation.

Literature citations

Jones, Gordon S. and John A. Marini. The Imperial Congress; Crisis in the Separation of Powers. New York, Pharos Books, 1988. p. 220.

Oleszek, Walter O. Congressional Procedures and the Policy Process, 3d ed. Washington, CQ Books, 1989. p. 122–123.

COMMITTEE DOCUMENTS OTHER THAN REPORTS

Committees prepare and print a variety of documents, including prints, hearings, staff reports, calendars, and activity reports. Issues include whether to require committee approval of each product; access to, and availability of, committee products; and the differences among the types of documents and the required content of each.

Options

1. Require a committee or subcommittee vote, as appropriate, to approve any document containing the views, findings, or recommendations of a panel. Require full committee approval of all documents, including those produced by subcommittees. Include in each document the total votes in favor and against its approval, as well as a record of how each committee member voted. Permit the release of documents lacking such approval, if they display a disclaimer to that effect on their covers.
2. Require all committee documents to be available for a certain time period to all Representatives, or perhaps just to members of the pertinent committee, before distribution to the public.
3. Require all hearings to be printed. Relatedly, make all printed hearings verbatim accounts of proceedings, and allow only technical, grammatical, and typographical corrections, or with unanimous consent of the pertinent committee or subcommittee, for the deletion of unparliamentary remarks.
4. Require publication of a complete record of proceedings of each open committee or subcommittee meeting. For each committee, publish summaries of all such sessions on a periodic basis. Alternatively, require publication of committee journals detailing procedural activity.
5. Establish stricter limits on how many documents committees may print, and the quantity and length of each, to reduce printing costs.
6. Make committee documents available to Members and staff in automated form for easy access.
7. Specify the appropriate matters that may be addressed by each type of committee product, including documents, prints, and reports not on legislative measures. Clearly differentiate among them, and require uniform content and uniform numbering system of each type.
8. Reassess the need for committees to prepare and print both calendars and activities reports. If both are desired, differentiate between them and establish criteria for uniform content of each type. Relatedly, require first session editions of one or both.
9. Allow all Members to include supplemental, minority, or additional views in published documents containing views, findings, and recommendations.
10. Define the legal status or importance of each type of document.
11. Give more authority to the House, presumably the Clerk, to publish committee calendars or other documents.

Pending legislation

1., 2. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK) and H. Res. 419, introduced 4/3/92 by Rep. Michel. Both generally require committee or subcommittee approval of prints, documents, or other materials other than reports on bills, prior to their public distribution, and opportunity for inclusion in them of supplemental, minority, or additional views. Material not approved in this

manner must carry a disclaimer on its cover, may contain only the name of the committee or subcommittee chair releasing the product, and must be available to all members of the pertinent committee at least three calendar days before being made public.

Literature citations

Zwirn, Jerrold. Congressional Publications and Proceedings. Englewood, Colo., Libraries Unlimited, 1988. 299 p.

COMMITTEE REPORTS

Requirements imposed on committees in reporting legislation or other matters are contained in House Rule XI, clause 2(l). The rule governs filing of written reports, specifies the inclusion of certain policy impact statements, permits the filing of written views in addition to those of the majority, and requires identification of changes in current law. The rule language predates the enhanced formal role for subcommittees, and governs only the filing of full committee reports and not documents prepared by subcommittees. Historically, the courts have relied on committee report language (instead of congressional debate) as the key determinant of legislative intent, although this standard is now under review.

House Rules do not now require that all reports contain the same information. Report requirements different from those imposed on other House committees are set for measures reported from the Appropriations Committee and Rules Committee. Committees themselves appear to issue oversight reports in a less formal manner than they do legislative reports. House and Senate rules differ on the procedures for issuing committee reports and the contents required in these reports. The required contents of conference committee reports also differ substantially from bill reports from legislative committees.

The issues are the degree to which reports can be made more consistently informative to House members and executive agencies, the procedures to be followed in issuance of committee reports, and the degree to which there should be uniformity of report styles and contents between legislative and oversight reports and between House and Senate (and conference) committee reports.

Options

1. Establish firm deadlines for filing written reports; committee chairs are now only required to file reports in a "timely fashion" or within seven days when instructed to do so by committee majority.

2. Require each committee report to provide names and votes of all members on committee rollcall votes and members present for non-rollcall votes.

3. Require committee reports to identify by name the members present who constituted the required quorum.

4. Reconsider required impact statements. Except for five-year cost estimates, most impact statements could be viewed as methodologically unsound and consider each bill on its own rather than as part of a session- or congress-long aggregate. Impact statements could be abolished; they could be prepared by a single entity for all committees; or the methodology used could be fully specified. Alternatively, require 4 additional impact statements; for example, on revenue implications of tax measures, or sectoral economic impact of legislation.

5. Evaluate rules on minority, supplemental, and additional views. Rules could be expanded to include such statements in reports accompanying rules from the Rules Committee; deadline for filing could be changed to match the more expeditious rule of the Senate; or rule could be left unchanged.

6. Require different report data on original bills and committee substitutes. Typically, committee reports identify only votes taken on ordering a committee substitute or clean bill reported. Earlier votes on a preliminary legislative vehicle are omitted because they technically did not occur on the vehicle the committee actually reported. Rule might be changed to require vote results and members' names on all votes associated with the preparation of the measure reported as well as preliminary versions.

7. Make committee report requirements applicable to subcommittees. Since 1975, subcommittees have become the initial House legislative venue, but written report and report contents requirements only apply to full committee action. Alternatively, the rule could require written subcommittee reports with just some of the items required in full committee reports.

8. Require committee reports to indicate supporting members. Conference reports now have such a requirement; but, a legislative report need not identify by name the members who supported it. An identification requirement would also constitute prima facie evidence of a quorum.

9. Allow additional points of order against committee reports. The only points of order which now can be lodged against a report are for failure to provide a Ramseyer, improper denial of the opportunity to file minority views, and for meeting improperly during 5-minute rule debate. Other procedural violations are cured now if a bill is ordered reported properly.

10. Require Ramseyer in reports on appropriations bills changing permanent law and on measures from the Rules Committee and House Administration Committee changing House rules or House administrative practices.

11. End oversight findings report requirement, or transfer requirement from Government Operations Committee to House Administration.

Pending legislation

1. H. Res. 315, introduced 11/26/91 by Rep. Saxton, would require maritime industry impact statement on certain legislation.

2. H. Res. 108, introduced 3/7/91 by Rep. Weldon, would require statements of beneficiaries and revenue losses on certain tax measures.

Literature citations

Biskupic, Joan. Congress Keeps Eye on Justices as Court Watches Hill's Words. Congressional Quarterly. Vol. 45, 10/5/91. p. 2863–2867.

Tiefer, Charles. Congressional Practice and Procedure: A Reference, Research and Legislative Guide. New York, Greenwood Press, 1989. ch. 3.

Why Learned Hand Would Never Consult Legislative History Today. Harvard Law Review. Vol. 105. Mar. 1992. p. 1005–1024.

COMMITTEE STAFF AND FUNDING

Each standing committee (and Select Intelligence) receives funds according to a permanent authorization, covering salaries for 30 "statutory staff" for each such committee except Appropriations and Budget, which set their own staffing levels. Standing and other select committees, also receive funds through periodic authorizations covering salaries of "investigative staff" and other expenses. Issues include whether to (1) reduce the cost of committee operations and levels of staff; (2) modify the funding process; (3) disclose more fully staff and funding information; and (4) distribute a committee's staff and funds differently among its members.

Options

1. Reduce the total number of staff and the aggregate level of funds, by a determined amount, through an immediate or phased-in reduction, and across-the-board or selected cuts to specific panels. Relatedly, limit staff tenure.

2. Cap total staff and staff of each committee. Alternatively, increase staff, to better compete with staff of executive agencies.

3. Reduce certain committee costs, such as 1) staff salaries, by reducing top salaries, or 2) travel funds, by requiring a committee's approval for foreign travel or by limiting the size of traveling delegations.

4. For each committee (including Appropriations and Budget) and for House costs of joint committees provide funds for all salaries and expenses through one periodic resolution (simultaneously abolishing the distinction between statutory and investigative staff).

5. Require a separate funding resolution for each committee, or allow an omnibus one, either to be open to amendment. Also, allow each committee to prepare and bring its own funding resolution to the floor, without the prior approval of any other committee.

6. Establish a biennial or other multi-year funding cycle. Relatedly, permit committees to carry-over unexpended funds from year to year.

7. Establish separate budget categories for "recurring" and "non-recurring costs," with "non-recurring" covering one-time budget needs.

8. Use a "zero-base" funding policy so that prior year's budget would not be the basis for the next. Alternatively, link a panel's level of staff and funds more directly to its activity and workload.

9. Require agency staff to be detailed on a reimbursable basis only; alternatively, require their employment on a non-reimbursable basis only, or to the maximum extent possible. Relatedly, require agency detailees and staff not on a committee's payroll to work for both parties; alternatively, allow each party to employ their own.

10. Encourage hiring short-term consultants in lieu of full time staff.

11. Require public disclosure of each committee's (1) level of statutory funds; (2) annual expenditure figures, for total expenses and for costs of separate items, such as travel; (3) total staff, including non-salaried ones, because sources such as the Clerk's Report list only salaried ones; and (4) use of reprogrammed funds affecting committees. Alternatively, ban transfer of legislative branch appropriations funds relating to committees.

12. Give minority party members on a committee complete control over a fixed proportion of all committee funds for hiring staff and/or for other expenses.

13. Relatedly, establish on each panel a majority to minority staff ratio that reflects the party ratio in the House or on the panel. Or, across committees, establish another uniform ratio of staff to members. Also require committees to employ a certain proportion of non-partisan staff.

14. Extend to members of all committees the privilege to employ an "associate staff" member.

15. Reduce subcommittee staff, perhaps by an overall cap and a maximum for each subunit. Relatedly, prohibit separate subcommittee staff; loan from full committee as needed. Alternatively, enhance subcommit-

tee staff levels and make comparable reductions to full committee levels.

16. For all committees, establish uniform, written job descriptions; salaries by position; and benefit policies, e.g. vacation, sick and family leave, and retirement. Alternatively, require each committee to adopt its own.

Pending legislation

1., 2. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK) and H. Res. 419, introduced 4/3/92 by Rep. Michel. Both prohibit consideration of an expense resolution until a committee staff ceiling is established. H. Res. 127 caps staff in the 102nd Congress at 90% of the 101st Congress level, while H. Res. 419 caps the 103rd Congress level at no more than 50% of the 102nd Congress level. H. Res. 419 also equates the ratio of majority to minority staff, consultants, detailees, and funding for committees with the House party ratio.

Literature citations

U.S. Library of Congress. Congressional Research Service. *Congressional Committee Staff and Funding.* Issue Brief No. IB82006, by Carol Hardy Vincent, May 12, 1992, (cont. updated). Washington, 1992.

II. FLOOR PROCEDURE

Floor procedure has not yet been a central emphasis of current reform efforts. However, a number of proposals in this area that have attracted some interest in recent years have drawn new interest in the context of current discussions. Most of these proposals divide into two categories:

Those that would protect and enhance the ability of Members to offer and consider a broad range of legislative choices on the floor, including by ensuring adequate notice of and information about attempts to restrict such choices; and

Those intended to bring further restraint and control into the budgeting and spending process.

A third theme, which runs through many of the remaining proposals, including some of those related to the budget process, is that of managing workload and work flow. Finally, a few proposals address issues that fall into none of these categories. Many of the current proposals addressing floor procedure, particularly among those directed at broadening the range of choice, but also including some of those for restraining the budget process, have been actively advocated principally by members of the minority.

Range of Legislative Choice

Some procedures that restrict the policy choices available to the House do so by precluding a direct vote on certain alternatives. For example, a special rule providing for consideration of a committee substitute may omit to restore the ability to include instructions in the motion to recommit. In other cases, a vote couched explicitly in procedural terms actually constitutes a simultaneous, but indirect, vote on the policy question. For example, a motion to table by its terms forecloses a straight vote on the underlying measure, and adoption of a "self-executing rule" explicitly also adopts a specified substantive proposition. Various proposals to broaden the range of legislative choice address each of these forms of restriction.

A key focus of efforts to preserve and extend the range of legislative choice has been the functioning of the Committee on Rules and of special rules. In recent years it has become increasingly common for the Committee on Rules to report, and the House to adopt, special rules that are less than "open;" in other words, that prevent the offering of at least some amendments that the general rules of the House would permit Members to offer. Special rules may impose constraints of this kind not only by directly restricting the amendment process, but also, for example, by forbidding a motion to recommit with amendatory instructions, or by providing that adoption of the rule simultaneously constitutes adoption of specified amendments or of the underlying measure itself.

In almost all cases, the House can adopt special rules by an ordinary majority vote. Accordingly, as with some of the other procedures currently subject to proposals for change, such restrictions operate particularly to close off opportunities for positions advanced by a numerical minority to receive floor consideration. Several of the proposals for change accordingly take the approach of requiring a supermajority vote to impose one or more of the kinds of restriction just mentioned. Another approach to the same restrictions is simply to prohibit any special rule that would impose them. A third would be to require any such special rule to contain a justification of the restriction.

Proposals with similar intent have also been offered in relation to suspension of the rules, discharge procedure, and other proceedings. Suspension of the rules has been increasingly used in recent years for House consideration of measures, especially the less complex, less controversial, and less broad. Because this procedure permits but forty minutes' debate and precludes floor amendments, it too may be seen as a means of restricting the floor consideration of policy alternatives. Accordingly, proposals have been made to permit suspension of the rules only with the consent of a majority of the committee or of the ranking minority member, and to preclude its use for constitutional amendments or for measures costing more than $50 million in a fiscal year.

Correspondingly, the difficulty of successfully using the House's procedure for discharging committees also presents an obstacle to securing floor consideration of a range of policy proposals broader than that favored by reporting committees. These difficulties include that signatures of half the House membership must be obtained under conditions of confidentiality, and that discharge action can be preempted by a committee of jurisdiction reporting the measure, or by the Committee on Rules securing adoption of an alternative special rule for its consideration. Proposals in this area would accordingly reduce to one-third of the House the number of signatures required to support a discharge motion or require their publication after specified levels are reached.

The ability of the House to consider veto messages from the President may also be considered to raise similar issues. Current House practice permits it not to reconsider a vetoed bill immediately, or indeed at all; it may send the measure back to committee or omit to call it up. These practices may be viewed as vitiating Members' opportunity to consider the policy questions raised by the veto. Proposals have accordingly been made to require a vote, or even an immediate vote, on such override attempts.

Information for effective choice

Another consideration that has drawn the attention of change advocates is that of providing adequate information about, and notice of the occurrence of, several of the procedures just discussed. The presumable rationale of proposals in these areas is that adequate information about efforts to limit the range of alternatives will make the House better aware of such attempts, and accordingly better able in practice to decide whether to accept them.

One such proposal would require a two-thirds vote to consider a special rule on the calendar day reported; current rules, which require such a majority only on the same legislative day, permit the House to vitiate the requirement by adjourning temporarily to create a new legislative day. Another would require written or oral notice, during the previous week, of any intention to consider a measure by suspension of the rules. A third would require the Rules Committee to provide justification in writing for any provision in a special rule that would waive a requirement of the congressional budget process. A fourth would broaden the circumstances under which a motion to recommit with instructions may be debated for a full hour.

Budgetary restraint

Several proposals for changes in the budget process, although addressed to divergent components of congressional spending practices, share a focus on facilitating restraint or reduction in government outlays. Such proposals include those to grant the President item veto authority or strengthen his rescission authority, to limit the ability of Congress to waive budget enforcement procedures, and to structure the budget itself in ways that facilitate deficit control.

Item veto proposals, which might require a constitutional amendment, would grant the President authority to reject (or, in some cases, reduce) individual provisions in appropriation measures. Congress could restore the appropriation only by overriding the veto, which requires a two-thirds vote in each chamber. However, certain proposals to strengthen the President's authority to rescind appropriations already enacted could yield similar results. Today, such rescissions take permanent effect only if Congress enacts legislation confirming them. Some current proposals facilitate such enactments by requiring Congress to vote rescission measures; others reverse the burden of action, permitting the rescission to take effect unless Congress votes to reject it (and, presumably, overrides a veto of the rejection measure). Some of these proposals permit the President to initiate a rescission of funds under such conditions only within a specified short period immediately after he signs the bill in which those funds are appropriated. Such a proceeding would permit actions much like those that would take place under an item veto authority.

Proposals to prohibit waivers of points of order under the Budget Act, or to require a supermajority vote for such waivers, are also intended to facilitate restraint in spending by making it more difficult to set aside the procedural mechanisms established toward that end. Similarly, spending levels allowable under the Budget Enforcement Act are currently set in terms of current policy levels, which allows for increases in the cost of carrying out activities now mandated; proposals to set these "baseline" levels in terms of current spending instead would tighten the constraints on such spending.

Other proposals would limit funding provided by any continuing resolution covering less than 30 days to the lowest amounts in specified corresponding pending regular appropriation. legislation or enacted for the previous fiscal year. Corresponding proposals applying to longer-term continuing resolutions focus on protecting the ability of the House to consider amendments providing further reductions.

Proposals to restore a deadline for committees to report authorizing measures or for the enactment of such measures, or to require multiyear authorizations, may also be intended to aid Congress in restraining government spending. Any of these mechanisms might aid in ensuring that most authorizations were in place in time to be taken into account in the making of budgetary decisions, so that levels of potential spending could be foreseen and budgeting actions carried out to accommodate those levels. Such constraints on authorizations would make it harder for Congress, late in a budgeting cycle, to develop and enact new legislation requiring spending that could disrupt previous budgetary plans.

Another set of proposals would affect reconciliation bills, measures whose purpose is to make reductions in funding levels required to meet constraints set in a budget resolution or other budget enforcement process. Current House rules, unlike those of the Senate, do not restrain the House from including in such legislation provisions unrelated to the achievement of that goal. Extending such a prohibition to the House could enhance Congress' ability to focus on the task of achieving required budgetary reductions. Corresponding results might be expected from treating continuing resolutions as general appropriation bills, which would mean applying to such measures the prohibition against provisions altering authorizing legislation that now applies to the regular annual appropriation bills.

Proposals to impose additional informational requirements on the consideration of continuing resolutions might presumably facilitate the control of spending in the same way that the informational requirements discussed above, related to forms of floor consideration, could aid the House in preserving its opportunities to consider alternative proposals on the floor. Similarly, requirements to alter the presentation of the budget, such as by separating out a capital budget, may be intended to facilitate the effective control of spending by improving Members' ability to focus on distinctions among the effects of reductions in various categories of spending.

Legislation to eliminate the so-called "firewalls" under the Budget Enforcement Act, on the other hand, would enhance congressional flexibility in budgeting by removing a constraint on spending. The "firewalls" set separate caps for domestic, international, and defense spending; the companion "PAYGO" mechanism provides a different form of constraint for entitlement spending. Similarly, altering the "budgetary treatment" of trust fund spending by designating it "off budget" would increase flexibility in spending levels for categories remaining "on budget." The spending now most often proposed for transfer to "off budget" status is the administrative expenses of Social Security.

Finally, proposals for a constitutional amendment to require a balanced budget, though not constituting a congressional reform in a narrow sense, must be considered in this context. In a sense, such proposals represent an approach converse to the procedural reforms so far described. Instead of providing actual means to facilitate congressional action to control spending, their effect on the process would be to tend to strengthen the imperatives for Congress to exercise such control, and to find such means.

Workload management and other issues

Proposals to shift to a biennial schedule of budgeting and spending appear directed primarily at managing and limiting the workload of the House. A biennial cycle would require certain kinds of budgetary action—a budget resolution, reauthorization, appropriation, reconciliation, or some combination—only once per Congress. Such changes could reduce the extent to which Congress has recently been preoccupied with budgetary issues, and could allow it to give more adequate attention to program and policy issues and to oversight.

Another area in which improving the House's control of its time and workload appears to be the chief concern of change proponents is that of commemorative legislation. Such control is proposed to be achieved either by requiring a higher level of support before any such measures may be considered, by further routinizing their consideration, or by prohibiting them altogether and turning such decisions over to some noncongressional body.

Proposals that the Speaker develop and announce a floor agenda and schedule of recesses at the outset of each session also represent attempts to enhance the predictability and regularity of legislative activity. The further possibility of scheduling and staging major debates on salient issues of concern, which could be presented during prime television viewing hours, may be viewed as an aspect of, or even as dependent on, the existence of an established legislative agenda and schedule in this broader sense.

Questions of managing television coverage of the House also continue to attract the attention of change advocates. The issue in this connection continues to be the circumstances under which video images of the entire chamber, rather than only of the Members speaking, should be transmitted: whether only during special order speeches, or during legislative debate as well.

Finally, some sentiment favors formalizing the recently developed practice of reciting the Pledge of Allegiance at the beginning of each session of the House.

MOTION TO RECOMMIT

Since 1909, House precedents have consistently upheld the right of a member of the minority party to offer a motion to recommit a bill. House Rule XI, clause 4(b) guarantees that right, by preventing the Rules Committee from reporting a special rule prohibiting the offering of the motion. In recent years, however, controversy has arisen over whether the right to offer a motion to recommit extends to the motion to recommit with instructions. The House Rules Committee has increasingly begun to report, and the House to adopt, special rules which preclude the motion to recommit with instructions while still permitting the simple motion. Also at issue is the amount of debate permitted the motion. The simple motion to recommit remains nondebatable in most circumstances, while the motion to recommit with instructions had been-debatable for 10 minutes until 1985. In that year, House Rule XVI, clause 4, was amended to allow the majority, but not the minority, floor manager to extend debate time from the usual 10 minutes to one hour. The question of the right to extend debate time on the motion to recommit with instructions and the trend toward restriction of the minority's right to choose whether to offer a motion to recommit with or without instructions might be addressed.

Options

1. Amend the rules of the House to preserve the right of the minority to select which form of the motion to recommit to offer: the straight motion or one with instructions. Prohibit the Rules Committee from reporting a rule precluding a motion to recommit with instructions. Alternatively, require a super majority on a rule that limits the motion to recommit.

2. Establish a fixed one hour of debate time on the motion to recommit with instructions; or, extend to the minority floor manager the right to extend the customary 10 minutes of debate on the motion to one hour.

3. Institute debate time on the simple motion to recommit which is now nondebatable in most circumstances.

Pending legislation (102d Congress)

1. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK). Republican omnibus rules package. One provision would prohibit the Committee on Rules from reporting any rule precluding a motion to recommit with instructions.

Literature citations

Nickels, Ilona B. The Motion to Recommit in the House: The Minority's Motion. CRS Report 89-641, November 28, 1989.

Solomon, Gerald (R-NY). Point of Order. Congressional Record, June 4, 1991: 13171-13174.

Wolfensberger, Don. The Motion to Recommit in the House: The Rape of a Minority Right. Congressional Record, June 4, 1991: 13174-13185.

SUSPENSION OF THE RULES

The House has relied on its suspension of the rules procedure for acting on between one-third and one-half of the measures it has passed during the past several Congresses. Although this procedure is convenient, Members have expressed concern that it is sometimes used for passing measures that require more debate and some opportunity for amendment, and that Members, especially minority party Members, do not always receive sufficient notice of what measures are to be considered in this way.

Options

1. Require authorization by a committee rollcall vote or a written statement by the committee's ranking minority member before a measure can be considered under suspension.

2. Require notice in the CONGRESSIONAL RECORD or oral notification on the House floor during the week preceding the day on which a measure is to be considered under suspension.

3. Prohibit consideration under suspension of constitutional amendments or measures with a cost in excess of $50 million in any fiscal year.

4. Permit certain points of order to be raised during consideration of measures brought up under suspension.

Pending legislation

1. H. Res. 127, submitted 4/17/91 by Rep. Edwards (OK). Republican leadership omnibus reform resolution for the 102d Congress.

Literature citations

Bach, Stanley. Suspension of the Rules in the House of Representatives. CRS Report No. 92-185 S, February 14, 1992.

Preamble and Rules of the Democratic Caucus. 102d Congress. January 9, 1991.

SPECIAL RULES

The Rules Committee often proposes and the House adopts special rules that limit the rights and opportunities that Members would enjoy under the normal operation of House rules. Most important, special rules may restrict the floor amendments that Members can offer in Committee of the

Whole. Such rules sometimes have enjoyed bipartisan support; others have divided the House largely along party lines. The minority party also has expressed concern about special rules that limit its ability to propose a final amendment to a bill as part of a motion in the House to recommit that bill with instructions, as well as the interpretation of the requirement that a two-thirds vote is required for the House to consider a special rule on the same day the Rules Committee reports it.

Options

1. Prohibit the Rules Committee from reporting special rules that prohibit or limit the motion to recommit with instructions in the form of an amendment.

2. Require a two-thirds vote to adopt a special rule containing a "selfexecuting" provision by which adoption of the resolution also constitutes action on a measure.

3. Restrict the ability of the Rules Committee to report, or require an extraordinary majority vote of the House to adopt, a special rule that limits the rights of Members to propose germane amendments to a measure.

4. Require a two-thirds vote for the House to consider a special rule on the same calendar day the Rules Committee reports it.

5. Require a written justification for a special rule that contains any waivers of the congressional budget process.

Pending legislation

1. H. Res. 127, submitted 4/17/91 by Rep. Edwards (OK). Republican leadership omnibus reform resolution for the 102d Congress.

Literature citations

Bach, Stanley. Special Rules in the House of Representatives. CRS Report No. 91-730 S, October 3, 1991.

Bach, Stanley and Steven S. Smith. Managing Uncertainty in the House of Representatives: Adaptation and Innovation in Special Rules. Washington, DC: The Brookings Institution, 1988.

DISCHARGE PROCEDURE

The discharge procedure is the only means by which a majority of the House can bring a measure to the floor with the cooperation of neither the committee of jurisdiction, the Speaker, or the Committee on Rules. The procedure is hard to use successfully because, among other reasons:

Half the Membership of the House must sign a petition before the motion can be considered,

Signatures may not be disclosed to the public until the requisite number sign,

The motion may be offered only on certain days, before which the matter may be dealt with by other means,

When a petition is completed the Rules Committee now routinely reports its own special rule for considering the measure, which it calls up before the discharge motion can be offered, and which provides that further action under the discharge procedure be vitiated, and

The House may be reluctant to support a measure which has seen no committee consideration and on which no report is available.

Under a recent rule change, special rules coming to the House floor by discharge are debated under the hour rule (and amendable if the previous question is not ordered) just as those reported.

Options

1. Discharge petition signatures:

a. Provide for publication at specified levels.

b. Remove the prohibition on disclosure.

c. Provide for disclosure of all signatures on all petitions at end of a Congress.

2. Number of signatures required:

a. Lower to 145 (1/3 of House), as during 1931–1935.

b. Raise the proportion of the House required to pass the measure on which discharge is sought (i.e., 2/3 for constitutional amendments).

3. Protecting discharge proceedings after a petition is entered:

a. Prohibit or restrict the Rules Committee from reporting a special rule superseding procedure under the discharge rule and vitiating a completed discharge petition (Committee could be permitted to present its rule as a substitute for a discharged special rule).

b. Shorten or eliminate the period between entry of a discharge petition and the time the motion may be made.

c. Eliminate the option for a committee to vitiate a discharge petition by reporting the measure.

4. Require initiators of a discharge petition to provide, at an appropriate point, a surrogate for a committee report or equivalent information.

Pending legislation

1. H. Res. 419, submitted 4/3/92 by Rep. Michel. Comprehensive Republican reform proposal includes provision (sec. 225) that signatures and withdrawn signatures to a discharge petition be published in Congressional Record weekly after 100 Members have signed.

2. H. Res. 421, submitted 4/7/92 by Rep. Armey. Sec. 7 of "Bring Democracy to Congress Resolution" would reduce to one-third of the House the requirement for discharge petition signatures.

Literature citations

Beth, Richard S. The Discharge Rule in the House of Representatives: Procedure, History, and Statistics. CRS Report for Congress 90-84 GOV, March 2,1990. 112 p.

Cannon, Clarence. The Calendar of Motions to Discharge Committees. Chapter 215 in Precedents of the House of Representatives of the United States. v. 7. Washington, U.S. Govt. Print. Off., 1935. sections 1007–1023.

Deschler, Lewis. Discharging Matters from Committees. Chapter 18 in Deschler's Precedents of the United States House of Representatives. v. 5. Washington, U.S. Govt. Print. Off., 1977. (94th Congress. 2d session. H.Doc. 94–661).

———and William Holmes Brown. Discharging Measures from Committees. Chapter 18 in Procedure in the U.S. House of Representatives. 97th Congress (with supplements). Washington, U.S. Govt. Print. Off., [1982].

RECORDED VOTES AND ACCOUNTABILITY

Constituents have a harder time holding their members accountable for their positions on important policy issues when those issues are decided by voice vote or are decided by an indirect recorded vote, e.g., on ostensibly procedural votes such as the motion to table or a special rule containing either a "self-executing" or "king of the hill" clause. In recent months, the privileged resolutions offered by minority members as matters of the question of the privileges of the House, and entitled to one hour of debate under House Rule IX, have been indirectly defeated through motions to table. Tabling has also had the effect of preventing any debate on the issues involved. In recent years, the Committee on Rules has begun to report, and the House to adopt, more self-executing (or "hereby") rules which automatically trigger the passage of a series of amendments or even the passage of a separate piece of legislation. The Committee on Rules has also regularly reported king of the hill rules which permit a series of amendments to be offered, and even adopted, but with the stipulation that only the last amendment adopted prevails. Such a rule renders ineffective any earlier votes in the affirmative.

Options

1. Mandate that votes on specified categories of key legislation must be recorded and must be directly on passage.

2. Either restrict or prohibit the Committee on Rules from issuing self-executing or king of the hill rules.

3. Guarantee a minimum period of debate on questions of privilege before subjecting them to a motion to table.

Pending legislation (102d Congress)

1. H.R. 354, introduced 1/3/91 by Rep. Lagomarsino. Provides that no increase in pay for Members of Congress shall take effect without a recorded vote in each House.

2. H.R. 999, introduced 2/20/91 by Rep. Long. Requires that any bill or resolution or any amendment which would adjust Members' pay may be adopted only by a recorded vote.

3. H. Res. 20, introduced 1/3/91 by Rep. Hammerschmidt. Amends the rules of the House to require a roll-call vote on passage of any measure making appropriations or providing revenue.

4. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK). Republican omnibus rules package. One provision amends House Rule XV to provide for an automatic roll call when the Speaker puts the question of final passage on (1) any bill, joint resolution, or conference report making general appropriations, providing revenue, or adjusting the statutory pay rate of Members of Congress; or (2) any concurrent resolution or conference report on the budget which provides an increase in the statutory debt limit.

5. H. Res. 332, introduced 4/7/92 by Rep. Gunderson. Amends the rules of the House to require a recorded vote on final passage of any legislation making appropriations or providing direct spending authority or new credit authority.

6. H. Res. 421, introduced by Rep. Armey. Proposes extensive revisions to the rules of the House. One provision prohibits self-executing rules unless adopted by a ⅔ recorded vote. Another provision amends Rule XV to provide for an automatic roll call when the Speaker puts the question of final passage on (1) any bill, joint resolution, or conference report making general appropriations, providing revenue, or adjusting the statutory pay rate of Members of Congress; or (2) any concurrent resolution or conference report on the budget which provides an increase in the statutory debt limit.

Literature citations

Edwards, Mickey. Congressional Reform. Congressional Record, August 3, 1989: H5078–H5085.

Gunderson, Steven. House Spending Accountability Act. Congressional Record, January 28, 1992: 686.

COMMEMORATIVES

Almost 35% of all public laws enacted thus far in the 102d Congress establish commemorative observances of special days, weeks, months, or years. The dramatic increase in the number of these observances over the last decade has prompted and continues to prompt proposals which would reform the process for considering this type of legislation. Proponents of reform believe that the high cost of enacting commemorative legis-

lation as well as the inordinate amount of Member and staff time consumed by these measures necessitate changes in the process. Opponents, on the other hand, maintain that commemorative legislation provides a constituent service and assists interests so designated with their fundraising and official activities.

Options

1. Establish a Commission which would review all proposals for commemorative observances and recommend to the President or Congress whether those observances should be approved or disapproved.

2. Prohibit the Congress from considering commemorative legislation.

3. Fine-tune the current commemorative process by developing more discipline within the Congress for considering these measures in an efficient and cost-effective manner, i.e., establish a calendar for commemorative legislation which would be called twice a month; increase the number of cosponsors required for consideration of commemorative legislation; establish a rule in the House, similar to the existing Senate rule, under which commemorative legislation may be considered during only three months out of the year.

Pending legislation

1. H. Res. 30, introduced 1/11/91 by Rep. Holloway. Amends Rule XXII of the Rules of the House of Representatives (covering petitions, memorials, bills, and resolutions) to provide that no bill or resolution, and no amendment to any bill or resolution, establishing or expressing any special interest commemoration may be received or considered in the House. Defines "special interest commemoration" to mean any commemoration or recognition of any individual, group or organization, commercial endeavor, or political or geographical subdivision.

2. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK); H. Res. 419, introduced 4/3/92 by Rep. Michel; H. Res. 436, introduced 4/9/92 by Rep. Lowery. Amends Rule XIII of the Rules of the House of Representatives to create a commemorative calendar which would be comprised of unreported bills and resolutions respecting commemorative holidays and celebrations which were referred to the Committee on Post Office and Civil Service. Such legislation would be placed on the calendar by written request of the chairman and ranking minority member of that Committee and be considered on the first and third Tuesdays of each month. Measures would be removed from the calendar if two or more members objected. Such measures, if considered, would be considered in the House. This proposal was also considered by the House of Representatives as Sec. 218 of an amendment in the nature of a substitute to H. Res. 423, but was rejected by a yea-and-nay vote of 159 yeas to 254 nays on April 9, 1992.

3. H.R. 68, introduced 1/3/91 by Rep. Boehlert. National Commemorative Advisory Act; H.R. 1882, introduced 4/17/91 by Rep. McCurdy and S. 1112, introduced 5/21/91 by Sen. Hollings. National Commemorative Events Advisory Act; establishes the President's Advisory Commission on National Commemoratives to (1) develop criteria for recommending to the President that a proposed national observance be approved or disapproved; (2) review proposals for national observances submitted in accordance with procedures published by the Commission; and (3) issue recommendations to the President concerning each proposal reviewed. H.R. 1882 and S. 1112 would terminate the Commission within five years after the date of its first meeting. S. 1112 would also prohibit the Commission from issuing a recommendation to the President for approval of certain commemorative events (events currently excluded from consideration by Committee rules), provide that the specified period of time designated by the Commission for a commemorative event may not be designated for a date or time period which begins more than one year after such designation is made, and prohibit the Commission from designating the same commemorative event more than once within a single calendar year.

Literature citations

Brafman, Michelle. Mushroom Month Lives. Roll Call, July 4, 1991: 8.

Dewar, Helen. A Day (or Month or Year) in the Sun. Washington Post, January 13, 1992: A15.

Johnson, Jason B. Congress Plagued by Special Days. Los Angeles Times, March 10, 1990: A21.

Pechta, Beth. Proposals Would Revise How Congress Picks Special Days. Congressional Quarterly Weekly Report, v. 46, February 24, 1990: 570.

U.S. Library of Congress. Congressional Research Service. Commemorative Legislation, by Stephen W. Stathis and Barbara L. Schwemle. January 2, 1991. Report No. 91-5 GOV.

TELEVISION COVERAGE OF HOUSE FLOOR PROCEEDINGS

House floor proceedings have been televised since 1979. House Rule 1, clause 9 gives authority over broadcasting House proceedings exclusively to the Speaker. The House Recording Studio operates the cameras and controls the broadcast signal under the Speaker's direction. Although television coverage of the House has been mostly free of controversy, critics have recently begun to point out the inconsistency between the chamber-wide camera angle used during the special order speech period and the camera angle during regular legislative consideration which remains focused on the Member speaking. In 1984, the Speaker directed that the cameras show the entire chamber during special orders to make clear to the viewing public that few Members were present and that regular legislative business had ended for that day. He did so in response to what he deemed an overly partisan use of those speeches by minority Members.

On another subject, critics have asserted that the House has failed to fully use the potential of television to attract the interest of the growing C-SPAN audience. Some have suggested the House leadership deliberately schedule debate on important national issues during prime-time viewing hours.

Options

1. Mandate cameras show the entire chamber consistently throughout the legislative day.

2. Mandate cameras remain consistently focused on the Member speaking throughout the legislative day.

3. Create an advisory committee to work with the Speaker to determine policy regarding television coverage.

4. Direct the Speaker, after consultation with the Minority Leader, to schedule periodic debates on issues of importance to the Nation during prime-time evening hours.

Pending legislation (102d Congress)

1. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK). Republican omnibus rules package. One provision would require the Speaker to provide for visual coverage of floor proceedings on a uniform basis through each day's session.

2. H. Res. 28, introduced by Rep. Owens. Amends the rules of the House to provide for debate on major policy issues.

3. H. Res. 439, introduced 4/29/92 by Rep. Taylor. Proposes to eliminate the televising of special order speeches as part of the proceedings of the House.

Literature Citations

Bates, Stephen and Moore, Jonathan. The Media and the Congress: A Project of the Harvard Institute of Politics at the John F. Kennedy School of Government. Columbus, Ohio, Publishing Horizons, Inc., 1987: 111-113.

Granat, Diane. The House's TV War: The Gloves Come off. Congressional Quarterly Weekly Report, May 19, 1984: 1166-1167.

Hamilton, Lee. Improving Information About Congress. Congressional Record, January 29, 1992: 895-896.

PLEDGE OF ALLEGIANCE

Daily recitation of the Pledge of Allegiance on the House floor began on September 13, 1988. It has become an accepted part of House procedure and has not been at issue since 1988. The practice began as a response to the Pledge of Allegiance becoming a test of patriotism during the 1988 presidential election contest. On September 9, 1988, the Speaker announced to the House that the Pledge would be recited daily. Earlier that day, Republican members had attempted to mandate a daily Pledge of Allegiance. Their resolution, presented as a question of the privileges of the House, was ruled out of order. The House took an indirect vote on the issue—on appealing the ruling of the Chair—but no direct vote was taken. On September 13, 1988, the Majority Leader stated to the House the intention of the leadership to incorporate the Pledge of Allegiance into the Rules of the House in the 101st Congress. However, its status remains that of informal practice. Recitation of the Pledge of Allegiance is neither codified in the rules nor addressed in the precedents of the House.

Options

1. Amend the rules of the House to include a requirement that the Pledge of Allegiance be recited daily.

2. Allow the current daily recitation of the Pledge to continue as informal practice, subject to the Presiding Officer's discretion to recognize a Member for the purpose of leading the House in the Pledge.

Pending legislation (102d Congress)

1. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK). Republican leadership omnibus rules package. One provision would amend Rule XXIV to revise the daily order of business of the House to include the Pledge of Allegiance.

Literature citations

Wright, Jim. Recitation of the Pledge of Allegiance. CONGRESSIONAL RECORD, September 9, 1988: H7343.

Rowland, John G. Privileges of the House—Recitation of the Pledge of Allegiance Each Legislative Day in the House of Representatives. CONGRESSIONAL RECORD, September 9, 1988: H7331.

McMillan, J. Alex. The History of the Pledge of Allegiance. CONGRESSIONAL RECORD, October 11, 1988: H9958.

Foley, Thomas S. Pledge of Allegiance Intended To Be Made A Permanent Part of House Proceedings. CONGRESSIONAL RECORD, September 13, 1988: H7430.

CONGRESSIONAL BUDGET ACT

One focus of proposals for changes in the budget process is the Congressional Budget Act of 1974. The Budget Act (codified at 2

U.S.C. 601–688) is the permanent law by which Congress establishes and enforces its budget priorities. Although it is codified in the U.S. Code, much of the Budget Act rests on the rulemaking authority granted to each chamber under the Constitution. As a result, a number of practices are different in the House and Senate. These differences have historically attracted attention as possible targets of reform.

For example, in the House Section 313 of the Budget Act prohibits reconciliation bills in the Senate from containing matters not directly related to achieving the purposes of reconciliation instructions.

Another difference is that in the Senate most points of order under the Budget Act can only be waived by adopting a motion or resolution with a majority of three-fifths, while only a majority is necessary in the House.

Options

1. Eliminate extraneous provisions in reconciliation measures.

2. Eliminate or restrict the use of Budget Act waivers.

a. Require either a three-fifths or two-thirds vote for waivers in the House.

b. Allow a separate vote in the House for any waivers included in a special rule. After the previous question was ordered any such waiver could be the subject of a nondebatable motion to strike.

c. Require that any special rule waiving a provision of the Budget Act be accompanied by a report justifying the waiver and providing a cost estimate of the provision to which the waiver applies.

Pending legislation

1. H. Res. 127, introduced 4/19/91 by Rep. Edwards (OK). Amends the Rules of the House broadly, including provisions which would eliminate extraneous matters in reconciliation bills and limit the use of Budget Act waivers.

2. H. Res. 419, introduced 4/3/92 by Rep. Michel. Amends the Rules of the House broadly, including provisions which would eliminate extraneous matters in reconciliation bills and limit the use of Budget Act waivers.

Many of the proposals in H. Res. 127 and H. Res. 419 were also included in the Republican alternative to H. Res. 5, and were discussed in Special Order speeches by Representatives Michel, Solomon, and Mickey Edwards (OK) on 01/30/92.

Literature citations

None.

BUDGET ENFORCEMENT ACT

A second focus of proposals for changes in the budget process is the Budget Enforcement Act. Passed in 1990 (as Title XIII of the Omnibus Budget Reconciliation Act of 1990), the Budget Enforcement Act established in law a working agreement between Congress and the President concerning restrictions in the growth of Federal spending over the period FY1991–FY1995. The Budget Enforcement Act divided all discretionary spending into three categories: international, defense, and domestic. The "so-called" firewalls in the form of prohibitions against using decreases in funding in one category from offsetting increases in another for FY1991–FY1993.

Two other budgetary issues directly related to the Budget Enforcement Act are budgetary treatment and baselines.

The term "budgetary treatment" is often identified with making an entity (such as a department, agency, bureau or even a program) "off-budget," but the term can also refer to a number of other issues. These include whether the entity is included in the President's presentation of the unified Federal budget, whether it is used in calculating the Federal deficit, or whether it is exempt from the sequestration procedures established by the Balanced Budget and Emergency Deficit Control Act (also known as Gramm-Rudman-Hollings or GRH) or the Budget Enforcement Act.

In recent years the Postal Service and Social Security benefits have been excluded from the President's presentation of the unified Federal budget, and from calculations of the Federal deficit, and exempted from any sequester order. Several types of expenditures, notably designated emergency spending and funding for Operations Desert Shield/Desert Storm, are exempted from procedures established under the Budget Enforcement Act. Numerous proposals have been made to add various trust funds or programs to the list of entities receiving one or more types of special budgetary treatment. Especially prevalent have been proposals to specify that the administrative expenses of the Social Security Administration receive the same off-budget treatment that Social Security benefit expenditures do.

Baselines are projections of spending or revenue levels from which changes between fiscal years can be measured. The BEA requires a current policy (or current law) baseline which projects spending and revenues at levels consistent with current law, as well as accounting for expected inflation. That is, it includes previously enacted changes in type or extent of costs or benefits that are set either to become effective or to expire. This means that revenue from a temporary tax increase, or expenditure for a temporary increase in a particular Federal benefit program will not be counted in projections involving years beyond their statutory life. There has been criticism from a number of sources, including President Bush, of the use of this type of baseline on the grounds that it builds in an assumption of growth in Government expenditures. Such criticisms sometimes are coupled with proposals that spending be based on the current spending level only with either no assumed increase or only a limited increase.

Options

1. Eliminate the firewalls between spending categories allowing decreases in one category to offset increases in another.

2. Change the budgetary treatment of selected agencies or programs.

3. Modify the baseline used for budgeting mandatory programs.

Pending legislation

1. H.R. 3732, introduced 11/7/91 by Rep. Conyers. A proposal to eliminate the division of discretionary spending into three categories. Reported by the House Committee on Government Operations 2/27/92 (H.Rpt. 102–446, Part I) and the House Rules Committee 3/4/92 (H.Rpt. 102–446, Part II) Failed to pass in the House 3/31/92, 187–238.

2. H.R. 2898, introduced 07/16/91 by Rep. Conyers. A measure to specify that the administrative expenses of the Social Security Administration receive the same off-budget treatment that Social Security benefit expenditures do. Reported by the House Committee on Government Operations 7/3/91 (H.Rpt. 102–174, Part I). Thus far no action has been taken by the House Rules Committee, which received a joint referral of the bill.

3. S. 2399, introduced 3/24/92 by Sen. Sasser. A proposal to revise the discretionary spending categories established by the Budget Enforcement Act.

Literature citations

CRS Report 90–520 GOV Budget Enforcement Act of 1990: Brief Summary, by Edward Davis and Robert Keith.

CRC Report 91–902 GOV Manual on the Federal Budget Process, by Allen Schick, Robert Keith and Edward Davis.

BUDGET PROCESS REFORM

The 102d Congress has seen a continuation of interest in budget process reform as demonstrated by the introduction of myriad measures on the subject. These proposals cover a diverse set of issues, but they share a focus on facilitating restraint or reduction in Government expenditures.

Options

1. Ratification of a balanced budget amendment to the Constitution

One of the most persistent political issues in recent years has been the question of a requirement to balance the Federal budget. Although there have been some proposals which take a statutory approach to instituting such a requirement, most of the measures introduced in recent years have been in the form of constitutional amendments. Such measures usually would simply require that outlays not exceed receipts. Variations address the circumstances under which the requirement would not apply (for example, upon enactment of a specific excess by three-fifths majority in each chamber, or if a declaration of war is in effect), or whether the budget the President is required to submit must likewise be balanced. Some amendments would also have provisions which would limit expenditures to a set percentage of some economic indicator such as national income or the GNP or to limit the rate of increase in revenues to some preestablished formula.

2. Establish a biennial budget.

Biennial budgeting refers to the use of a two-year budget cycle, which can embrace a number of legislative processes. It might refer to any or all of the following: (1) two-year budget resolutions, (2) two-year authorizations, or (3) two-year appropriations. Most measures introduced in recent years have been comprehensive, proposing to adopt biennial authorizations, appropriations, and budget resolutions.

Two main approaches have been proposed, commonly referred to as the "stretch" and "split-sessions" models. The "stretch" model stretches the current budget process to prepare a two-year budget over a two year period. The "split-sessions" model concentrates all budgetary activity in one year or session of Congress, and oversight and non-budgetary matters in the other. Proposals of this type can have either the budgetary or non-budgetary year as the first session of a Congress. A third approach used in some recent proposals has been termed the "summit" model. Less comprehensive than the other two types, these measures would institutionalize budget agreements between the President and Congress, usually by requiring a two-year joint budget resolution, while continuing under the status quo for authorizations and appropriations.

3. Regulate the use of continuing resolutions.

Continuing resolutions are joint resolutions enacted by Congress to continue funding for Federal activities when one or more regular appropriations bills are not enacted by the beginning of a new fiscal year. They can be of varying duration, ranging from several days to an entire fiscal year. Although

they were first used over one hundred years ago, these measures have recently come under increased criticism, especially long-term resolutions that are used as a substitute for regular appropriations bills. As a result some Members of Congress have introduced proposals to regulate continuing resolutions. Three basic types of proposals have been made: (1) those which provide for automatic continuing resolutions (thereby avoiding the threat of a Government-wide shutdown), (2) those which would restrict the use of continuing resolutions to short periods of time; and (3) those which would allow long-term continuing resolutions, but impose significant limitations, such as requiring a super-majority for their enactment or, alternatively, granting the President special rescission authority over them.

Pending legislation

1. H.J. Res. 290, introduced 6/26/91 by Rep. Stenholm. Constitutional amendment to require a balanced budget.

2. H.J. Res. 248, introduced 5/8/91 by Rep. Barton. Constitutional amendment to require a balanced budget and to limit the rate of increase in revenues to the rate of increase in the national income.

3. S.J. Res. 18, introduced 1/14/91 by Sen. Simon. Reported by the Senate Judiciary Committee 7/9/91, with an amendment (S. Rpt. 102–103). Constitutional amendment to require a balanced budget.

4. S. 1667, introduced 8/2/91 by Sen. Ford. A proposal to establish a two-year budget cycle.

5. H.R. 1889, introduced 4/18/91 by Rep. Patterson. Amends the Congressional Budget Act of 1974 to reform the budget process broadly, including provisions to establish a two-year budget cycle and to regulate continuing resolutions.

6. H. Res. 127, introduced 4/19/91 by Rep. Edwards (OK). Amends the Rules of the House broadly, including provisions to regulate continuing resolutions.

7. H. Res. 419, introduced 4/3/92 by Rep. Michel. Amends the Rules of the House broadly, including provisions to regulate continuing resolutions.

AUTHORIZING COMMITTEE REPORTING DEADLINES

In theory, the budget, authorization, and appropriations processes are separate and distinct. In practice, however, the distinctions often are not so clear. Generally, authorizations are supposed to be completed before appropriations can be considered. To facilitate this, the Congressional Budget Act of 1974 (P.L. 93-344, Section 402(a)) originally instituted a May 15 deadline by which legislative committees were to have reported authorizing legislation.

While this deadline was intended to encourage committees to report legislation early in a session, the practical result was that most authorizing committees would report the bulk of their bills on or near this date. Clustering the reporting of these bills so near the deadline often made it difficult to complete floor action before the consideration of appropriations bills began in late spring and early summer.

With this and other problems in mind, the House Rules Committee Task Force on the Budget Process (known as the Beilenson Task Force) recommended in 1984 that this deadline be abolished. The Task Force called on legislative committees to begin to work on authorizations well in advance of their termination, perhaps in the fall or winter of the session before they expire (Task Force Report, p. 33). This recommendation, along with others, became law as a result of their incorporation into the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177, Gramm-Rudman-Hollings I). The current situation, then, is that no explicit deadline for the reporting of authorizing legislation exists.

Options

1. Require multiyear authorizations—This would cut down on the time spent on hearings, markup, floor debate, etc. for authorizing legislation. However, Congress could lose some of the flexibility and oversight controls that annual authorizations provide.

2. Adopt an earlier reporting deadline—Some have argued that a deadline earlier than May 15 would allow legislators to get all authorization bills passed before the appropriations process gets under way. Others, however, believe that moving the deadline up would do little to ease the crush of reporting at the deadline or contribute to more deliberate legislation.

3. Adopt an enactment deadline—This would require Congress to complete action on authorizing legislation by a certain date and would prohibit the consideration of any bill not enacted in time. This provision was originally included in an early version of the Congressional Budget Act of 1974, but was later replaced with a reporting deadline before the legislation was enacted into law.

4. Adopt a biennial budget cycle—Under one approach, authorization measures could be enacted in one session, and appropriations in the following session. However, this assumes that appropriations will be placed on a two-year cycle, a plan with possible drawbacks for congressional oversight.

Pending legislation (102nd Congress)

1. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK). Republican leadership omnibus rules package. Section 26 reinstates May 15th as the reporting deadline for authorizing legislation. This provision makes it out of order for the House to consider any authorizing legislation reported after this date.

2. H. Res. 419, introduced 4/3/92 by Rep. Michel. Section 222 of H. Res. 419 contains the same language as that offered in H. Res. 127.

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U.S. Library of Congress. Congressional Research Service. Budget Process Measures Introduced in the 102nd Congress, 1st Session. Report No. 92-61, by James Saturno. Washington, 1992.

EXPANDED RESCISSION

The Impoundment Control Act (ICA) of 1974 (Title X of the Congressional Budget and Impoundment Control Act, P.L. 93-344, 88 Stat. 297, 2 U.S.C. 601-688) established a new framework for congressional oversight of impoundments by the President. Under the 1974 law, "rescission" refers to a proposal by the President to cancel permanently funding previously enacted in appropriations laws. The President must inform Congress of proposed rescissions and furnish specified data regarding each such action. The funds must be made available for obligation unless both the House and Senate act to approve of the rescission within a 45-day period.

The President's role in the process would be strengthened by the establishment of expedited procedures that would require Congress to act on measures to approve proposed rescissions ("expedited rescission"). Similar results would flow from empowering the President to rescind appropriations unless Congress acted to disallow the rescission ("enhanced rescission"). Some proposals would grant the President enhanced authority to rescind appropriations, or to propose rescissions under expedited procedures, only within a fixed period immediately after signing the measure appropriating the money. This form of expanded rescission authority would permit Presidential action essentially comparable in effect with an item veto.

Options

1. Enact expedited rescission procedures, attempting to ensure a vote by Congress on the President's rescission proposals, but still allowing the funds to become available absent congressional action.

2. Amend the ICA to provide for enhanced rescission authority, reversing the burden of action and allowing rescissions to take effect unless Congress disapproves them.

3. Amend the ICA to provide for enhanced rescission authority under only immediately after the signing of the pertinent appropriations bill, or under other specified circumstances.

Pending legislation

Expedited Rescission option:

1. H.R. 617, introduced 1/23/91, by Rep. Johnson. Provides that the President may submit special rescission messages on the same day as signing an appropriation bill, with expedited procedures for congressional action, but rescission takes effect only if approved by Congress.

2. H.R. 1889, introduced 4/17/91, by Rep. Patterson. Title III, "Expedited Rescissions," allows for submission of special rescission messages within 3 days of signing appropriation bill, but rescission takes effect only if approved by Congress.

3. H.R. 2164, introduced 5/1/91, by Rep. Carper. Establishes procedures for expedited consideration in Congress of certain rescission proposals from the President. Funds proposed for rescission must be made available for obligation "after the date on which the Congress fails to pass the bill or joint resolution [conveying approval] transmitted with that special message."

Enhanced Rescission:

4. H.R. 687, introduced 1/29/91, by Rep. Dornan. Provides that any rescission proposed by the President takes effect unless Congress takes specific action to disapprove it.

Limited Enhanced Rescission:

5. Legislative Line Item Veto Act (several identical bills): H.R. 28, introduced 1/3/91, by Rep. Wylie; H.R. 78, introduced 1/3/91, by Rep. Duncan; H.R. 146, introduced 1/3/91, by Rep. McEwen; S. 196, introduced 1/14/91, by Sen. Coats. Provides the President with enhanced rescission (termed "item veto") authority by amending the Impoundment Control Act to allow transmission of a special rescission message within 10 days of enactment of appropriations measures or accompanying the President's January budget submission.

Budget authority so rescinded remains canceled unless Congress disapproves within 20 days.

6. H.R. 298, introduced 1/3/91, by Rep. Cox (CA). Budget Process Reform Act. Title III, Subtitle B provides for enhanced rescission authority limited to spending above limits of congressional budget law.

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LINE ITEM VETO

Governors in 43 States can exercise some form of item veto, allowing them to eliminate individual provisions or reduce amounts in legislation presented for their signature. In contrast, the President, traditionally (and in the view of most, constitutionally), may only sign a bill into law or veto the measure in its entirety. In the opinion of some, the lack of item veto authority encourages pork barrel spending and decreases congressional accountability in the appropriations process.

Options

1. Adopt a resolution encouraging the President to exercise an item veto, to test the limits of existing constitutional provisions.

2. Enact law providing for separate enrollment of each item in an appropriations bill.

3. Approve a constitutional amendment granting the President item veto authority in appropriation bills (various provisions possible).

4. Approve a constitutional amendment granting the President authority to veto or reduce items of spending authority (various provisions possible).

Pending legislation

1. H. Res. 152, introduced 1/15/91, by Rep. Campbell. Encourages the President to exercise the line-item veto in order to test its constitutionality.

2. S. 165, introduced 1/14/91, by Sen. Hollings. Amends the Impoundment Control Act of 1974 to direct the enrollment of each item of a bill or joint resolution containing appropriations as a separate measure.

3. Allow the President to exercise an item veto in appropriations acts.

A. H.J. Res. 4, introduced 1/3/91, by Rep. Wylie; H.J. Res. 5, introduced 1/3/91, by Rep. Archer; H.J. Res. 12, introduced 1/3/91, by Rep. Bennett; H.J. Res. 16, introduced 1/3/91, by Rep. Emerson; H.J. Res. 245, introduced 5/2/91, by Rep. Marlenee.

B. H.J. Res. 55, introduced 1/3/91, by Rep. Stump. Allows the President to veto any item of appropriation or any provision in any act or joint resolution containing an item of appropriation.

C. H.J. Res. 89, introduced 1/23/91, by Rep. Solomon. Allows item veto in appropriation acts; exempts from item veto, appropriations for national defense.

D. H.J. Res. 213, introduced 4/10/91, by Rep. Penny. Allows the President to disapprove any item of appropriation, excepting those for the legislative or judicial branches.

E. S.J. Res. 14, introduced on 1/14/91, by Sen. Thurmond. Allows the President to veto items of appropriations.

4. At least 4 proposals for pending constitutional amendments allow the President to reduce amounts as well as to veto items.

A. H.J. Res. 52, introduced 1/3/91, by Rep. Poshard. Allows the President to disapprove or reduce an item of appropriations.

B. S.J. Res. 4, introduced 1/14/91, by Sen. Specter. Allows the President to disapprove or reduce any item of appropriation; simple majority of each House of Congress could override such an item veto or reduction.

C. S.J. Res. 11, introduced 1/14/91, by Sen. Symms. Allows the President, when any measure containing spending authority is presented to him, to separately approve, reduce, or disapprove any provision, or part of any provision contained in it.

D. S.J. Res. 54, introduced 1/30/91, by Sen. Dixon and Sen. Simon. Allows the President to disapprove or reduce an item of appropriations, except for items in appropriations for the legislative branch.

Literature citations

Cooper, Charles J. et al. Pork Barrels and Principles: The Politics of the Presidential Veto. Washington, National Legal Center for the Public Interest, 1988, 62 p.

Line Item Veto. Congressional Digest, v. 69, June-July 1990: entire issue.

POCKET VETOES

Under Article I, Section 7, Clause 2 of the Constitution, if a President neither approves or disapproves a bill within the ten day period, it becomes a law without his signature, unless, in the language of the Constitution, "the Congress by their adjournment prevent its return, in which case it shall not be law." This latter circumstance is popularly called a pocket veto.

The President's authority to exercise the pocket veto continues to elicit confusion and controversy. Presidents Ford and Carter agreed to exercise the pocket veto authority only at the end of a Congress. President Reagan, however, declined to limit himself in this way, claiming he could exercise the pocket veto between sessions of Congress. President Bush has gone yet farther by insisting that he may pocket veto anytime Congress is recessed or adjourned for three days or more. Congressional leadership has taken the position that only bills in the hand of the President after the end of a Congress may be pocket vetoed. At any other time, Congress will consider a veto message accompanied by the returned bill to be a regular veto and subject to possible congressional override. If the bill is not returned, the Congress will consider the bill to have become law without the President's signature after ten days (except Sundays), as provided under Article I, Section 7 of the U.S. Constitution.

Options

1. Allow for pocket vetoes anytime Congress is in recess or adjournment for 3 days or more.

2. Pass legislation restricting the pocket veto to the end of a Congress.

3. Hold special sessions of Congress, forcing the President to return vetoed legislation or keep Congress in *pro forma* session during recess periods until the expiration of its term.

4. Withhold enrolled bills from the President during recess or adjournment, except at the end of a Congress.

Pending legislation

1. H.R. 849, introduced 2/6/91 by Rep. Derrick. Amends Title I of the U.S. Code to define the type of adjournment that prevents the return of a bill by the President and authorizes the Clerks of the House and Senate to receive vetoed bills from the President when their respective Houses are not in session.

2. S. 422, introduced 2/19/91 by Sen. Kohl. Amends Title I of the U.S. Code to define the type of adjournment that prevents the return of a bill by the President and authorizes the Clerks of the House and Senate to receive vetoed bills from the President when their respective Houses are not in session.

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U.S. Congress. House. Committee on Rules. Subcommittee on the Legislative Process. *Pocket Veto Legislation; Report to Accompany H.R. 849*. Mar. 12, 1990. Washington, U.S. Govt. Print. Off., 1990. (101st Congress, 2d session. House Report no. 101–417, Part 1.)

—H.R. 849. *Hearings*, 101st Congress, 1st session, on H.R. 849. July 26, 1989. Washington, U.S. Govt. Print. Off., 1989. 144 p.

Watson, Richard A. The President's Veto Power. *Annals of the American Academy of Political and Social Science*, v. 499, September 1988: 36–46.

VETO OVERRIDES

Article I, section 7, clause 2 of the Constitution provides that if a President vetoes a bill, it is to be returned to the House in which it originated, and be reconsidered. "If after such reconsideration two-thirds of that House shall agree to pass the bill," it is then sent to the other House for reconsideration, and if approved by two-thirds of that House as well shall become law.

The Constitution is silent regarding exactly what constitutes reconsideration. At least since 1917, the House has adhered to the constitutional mandate to "proceed to reconsider" a vetoed bill one of four ways: (1) by laying it on the table, (2) postponing consideration to a day certain, (3) referring it to a committee, or (4) voting on reconsideration (Cannon Precedents, VII, section 1106) (Deschler-Brown, Procedure in the U.S. House of Representatives, chapter 24, section 15.8). Recently, this procedure has become a question of concern because several Members have argued that it precludes the minority in the House from forcing an override vote on vetoes likely to be sustained.

Options

1. Alter House rules to provide only for the immediate vote on reconsideration of vetoed bills by eliminating intervening motions.

Pending legislation

1. H. Res. 419, introduced 4/3/92 by Rep. Michel. Amends the Rules of the House of Representatives to require an immediate vote on reconsideration of vetoed bills, among other purposes.

2. H. Res. 127, introduced 4/17/91 by Rep. Edwards (OK). Amends the Rules of the House of Representatives to bring about an immediate vote on reconsideration of a vetoed measure, and for other purposes.

Literature citations

Towell, Pat. Veto of Defense Bill Ups the Political Anti. Congressional Quarterly Weekly Report, v. 46, no. 32, Aug. 6, 1988: 2143–2145.

Michel, Robert H. National Defense Authorization Act, Fiscal Year 1989—Veto Message From the President of the United States. Remarks in the House. Congressional Record, v. 134, Aug. 3, 1988: 20281–20293.

III. MANAGEMENT AND ADMINISTRATION

During the 102d Congress, a number of management-related problems have surfaced in the House. The House Bank scandal, indictments for drug trafficking and embezzlement in the House Post Office, and allega-

tions of interference in ongoing criminal investigations brought House management practices under scrutiny. In April, the House agreed to H. Res. 423, the Administrative Reform Resolution, establishing the posts of House Director of Non-Legislative Services, Auditor, and General Counsel; transferring certain non-legislative functions from the Clerk and Sergeant at Arms to the new Director; and modifying the role of the House Administration Committee and of the party leaders in directing the management of the House.

The Administrative Reform Resolution was designed quickly to address the most pressing management problems. However, unaddressed issues remain.

House and Senate management practices have not been broadly studied since the mid-1970s. The House, in 1976, established the Commission on Administrative Review (Obey Commission) which proposed a sweeping reorganization of the management and operations of the House of Representatives. In addition to proposing the creation of new positions of House Administrator and House Comptroller, the Commission called for substantial readjustment in the duties of all the officers of the House. In 1977 the House refused to agree to the rule making the Obey Commission recommendations (H. Res. 766) in order and the package never came to a vote. Fifteen years later many, but by no means all, the Obey Commission recommendations were incorporated into the Administrative Reform Resolution of this Congress.

The year before, the House had established the Commission on Information and Facilities, chaired by Rep. Jack Brooks, to study and report on the allocation of space in the House side of the Capitol and in House office buildings, and to review the variety of information resources available directly or indirectly to the Congress. Some space was reallocated by the House Office Building Commission or the Speaker as a result of this inventory. No systematic House study of this type has been undertaken since. Although, substantial new space has come under House control since the Brooks Commission study with the acquisition of the Ford Building (Annex II) and a major space reallocation in the O'Neill Building (Annex I).

In 1975, the Senate established a Commission on the Operation of the Senate based on a proposal sponsored by Sen. John Culver and chaired by former Senator Harold Hughes. The management studies undertaken by the Culver-Hughes commission were similar to those undertaken by the Obey Commission. Similarly, there was no immediate Senate action to implement Commission Recommendation. However, certain agreements about eliminating overlapping management duties and formal sharing of other functions were worked out between the Secretary of the Senate and the Senate Sergeant at Arms in the early 1980s. These agreements came in the wake of recommendations by an informal Senate management board formed at the request of Senate leaders and the Senate Rules and Administration committee. No studies of Senate management practices have been systematically undertaken since.

Owing to incomplete publicly available information about current management practices in the House and Senate, a comprehensive list of potential management reforms cannot be developed. The Administrative Reform Resolution directs the House Administration Committee to supervise the development of new management practices over non-legislative services. Until these new management guidelines are promulgated, management reform topics are likely to remain fluid.

Fragmented management responsibilities

The divided management responsibilities which prompted the Obey Commission to issue its proposal still remain. Financial management responsibilities are divided between the newly established (and as yet unappointed) Director of Non-Legislative Services and the Committee on House Administration, and the other officers retain control of funds appropriated to their offices and for certain House accounts. Procurement is similarly divided with Members and committees free to enter into their own equipment or service contract arrangements with vendors without the formal intervention of House officers and management committees.

Financial accountability

Certain financial operations of the House are not subject to regularized audit. The General Accounting Office routinely audits certain aspects of House operations, and other audits are to be performed by the new office of Non-Legislative Services, but audits of all House expenditures are not now required. Under longstanding statutory authority, expenditures from the contingent account of the House (when approved by the Committee on House Administration or its chairman) are declared to be final and conclusive, and not subject to audit by routine processes either by House staff or staff of the General Accounting Office.

Under current law, funds under the administrative supervision of the Clerk of the House may be transferred for appropriate purposes to another with the concurrence of the House Appropriations Committee. (Presumably, this statute will soon be changed to grant that authority to the new Director of Non-Legislative Services). Since FY1990, House funds have been "no-year money;" that is, unexpended appropriated funds may be carried over and used in subsequent fiscal years. These practices have not been the subject of much press attention or much public discussion among House Members. The few published official reports on these subjects have been quite general; proposals might be considered for preparing more specific reports on a more regular and routine basis on these policies.

Expenditures of so-called "Joint Items" (such funds expended by the Office of the Architect of the Capitol, among others) are not routinely published in either the Report of the Clerk of the House or in the Senate companion volume, the Report of the Secretary of the Senate. The issue of public accountability might require better and more frequent reporting on these topics. Alternatively, uniform reporting requirements could be imposed on these joint entities, and their reports (rather than being published separately as now) could be included in the Clerk's and Secretary's reports.

Management in a political environment

The officers of the House of Representatives are elected at the beginning of each Congress. Historically, their nominations have been approved by the majority party caucus, and election is generally on a party-line basis, with the minority fielding a slate of candidates who, upon their defeat, form the nucleus for staff assistance to the minority leader although these staff take no formal part in the management of the House.

Some claim that biennial elections place officers (and patronage employees under them) in a position of accommodating the needs of Members of Congress first, and fulfilling their duties as managers second. There seems to be no constitutional prohibition against permitting officers to serve for more than two years (the Clerk serves from one Congress to the next until reelected or until a replacement is in order chosen to supervise the organization of the new House and the election of a Speaker).

Procedures for removing an officer of the House are described as cumbersome and contentious. The House might wish to consider rules changes permitting the Speaker or a collective management group to demand the resignation of a sitting officer before a major public controversy arises. Of course, this also raises the issue of officers' independence from control by political leaders of the House. Perhaps some compromise position ensuring a necessary degree of independence, yet maintaining official accountability could be reached.

The new Director of Non-Legislative Services is to be appointed by the Speaker on the joint recommendation of the Majority and Minority Leaders. Although the Director is not officially recognized as an officer of the House, the bipartisan selection process reflects an unprecedented step in the professionalization of senior House management. However, in the event of a deadlock in the bipartisan selection process, the Speaker remains free to name an acting Director (as he recently did in naming an acting Postmaster and acting Sergeant at Arms). Conceivably the designation of an Acting Director for an entire Congress could undermine the recent bipartisan accommodation in the Administrative Reform Resolution.

Professional personnel management

Most employees of the officers of the House (and Senate) were initially hired on the basis of political recommendations. The vast majority of these staff are professionally qualified for the positions they hold, but the role of political recommendations in hiring and promotion within the Congress cannot be overlooked. Speaker Foley has suggested that patronage employment among House administrative staff may become a thing of the past. The Director of Non-Legislative Services (when ultimately selected) will be charged with developing a position classification system for his or her staff, under the supervision of the House Administration Committee. Consideration is likely to be given to proposals to establish position descriptions, salary levels, work performance standards, and other professional personnel management standards. Attention is likely to have to be given to the role of a professional personnel chief in a political work environment, and the means by which employment standards can be effectively isolated from political influence.

Assessing the need for certain functions or services

Certain historic perquisites and benefits provided to Members have caused frequent or even continuous controversy. It might be appropriate to consider whether or not the House should continue to provide these services, or if continued, whether these services could be provided by private contractors more economically or in a manner which might subject the House to less criticism. Such services reviewed could include: the Post Office (transferring its operation to US postal employees); the Capitol Police (transferring security operations to other law enforcement entities in Washington); and reassessing other services, such as barber and beauty shops, building cleaning and mainte-

nance, elevator operators, and other labor positions which could be provided by a private contractor.

Worker benefits and protection standards

The House and Senate have generally exempted congressional staff (as well as staff of state and local legislative bodies) from coverage under various employee protection laws. The exemption is predicated on the perceived need to keep legislative branch operations free from interference from the executive branch agencies charged with enforcement of the employee protection laws. The House and Senate have acted in a piecemeal fashion to bring some form of employee protection standards to their own staff. But, the staff protection benefits differ significantly between the House and Senate, and in many cases these protections do not match those available to executive branch or private sector employees. Congressional management studies may address the need for better and more uniform employee protection in the House and Senate, and for enforcement procedures more in line with those elsewhere.

Coordination of House and Senate management services

The two chambers have evolved very different management structures. The lack of parallel responsibilities can lead to management inefficiencies and unnecessarily conflicting policies between the chambers.

Joint management efforts—such as those associated with the Capitol Police—have often been characterized by continuing disagreements between officers of the House and Senate charged with overseeing such operations. The Architect of the Capitol, a presidential appointee, is in many ways effectively removed from managerial control by officers of either the House or Senate. The House and Senate have separate central computer facilities, some parts of which are duplicative and others of which are incompatible with those in the other chamber. Separate Page Schools exist in the House and Senate. Steps could be taken in the future find some regular coordinating mechanisms between the House and Senate which might minimize opportunities for interchamber management conflict, service duplication, and service inefficiencies.

FINANCIAL ACCOUNTABILITY

Reprogramming authority

Reprogramming authority allows the House to move unobligated funds from one appropriations heading to another appropriations heading within an appropriations account. Appropriations may be reprogrammed within the general purpose of the appropriations account, unless prohibited.

In the FY92 Legislative Appropriations Act, Congress authorized reprogramming of funds in eight headings within the House appropriations account for "Salaries and Expenses." The headings are House Leadership Offices; Members' Clerk Hire; Committee Employees; Contingent Expenses of the House (Standing Committees, Special and Select); Contingent Expenses of the House (House Information Systems); Official Mail Costs; Contingent Expenses of the House (Allowances and Expenses); and Salaries, Officers and Employees.[1] Congress also authorized reprogramming among activities within the latter two headings.

Authority to move funds was first authorized in FY81 and has been renewed on a regular basis since then. By providing transfer authority, the House gave itself the same spending flexibility available to executive agencies. From FY81 through FY88, transfer authority was allowed among six House accounts. Effective with FY89, the six former House accounts subject to transfer were made headings within a new, single account of the House, "Salaries and Expenses." As a result, funds appropriated for these headings were subject to reprogramming since movements of funds among the headings are movements within an account.

Even though the House is not required to authorize reprogramming by statute, it has statutorily authorized reprogramming. The House has further included language requiring approval of all reprogramming actions by the House Appropriations Committee. This language allows the Committee to retain its authority to review and move appropriations among appropriations headings as it determines necessary.

The Clerk of the House, as principal financial officer of the House of Representatives, serves as administrator of reprogramming requests and submits such requests with justification to the Appropriations Committee.[2] Upon approval by the Appropriations Committee, the Clerk implements reprogramming as directed by the Committee.

The House, effective FY89, has one single account for salaries and expenses. The House Appropriations Committee, however, has retained management control beyond that which exists in executive agencies by statutorily authorizing reprogramming of funds among headings within the "Salaries and Expenses" account, subject to the Committee's approval of all reprogramming.

References in congressional documents indicate that the primary justifications for transfer and reprogramming authorities are flexibility in the management of House accounts and possible savings in funds appropriated for the Legislative Branch, obviating in some cases the necessity of additional funding in supplementals.

For the past two fiscal years, Congress provided that appropriations in the House account "Salaries and Expenses" are to be no-year appropriations; that is, they are to remain available until expended. There are two restrictions on no-year appropriation availability. Any unobligated balance is not to be made available and is to be withdrawn if the responsible entity in Congress determines that the original purposes for which the appropriation was made have been met, or if disbursements from the appropriation have not been made for two full consecutive fiscal years. All funds are to remain available for the purposes for which originally appropriated until they are spent, subject to these two restrictions.

Currently, information on reprogrammings is reported in the Report of the Clerk of the House and has been placed in the Record as recently as February 1992 by the chairman of the Legislative Branch Appropriations Subcommittee.

Contingent expenses of the House

Appropriations for House contingent expenses presently are made to meet costs of administrative and salary expenditures of the House, including Members, committees, and officers. The appropriation Contingent Expenses of the House is a heading within the House account "Salaries and Expenses." Within the heading Contingent Expenses of the House are three sub-headings: (1) Standing Committees, Special and Select; (2) Committee on House Administration, House Information Systems; and (3) Allowances and Expenses. The appropriation is commonly called the "contingent fund," although there is no contingent fund of the House per se, and is so referred to in this discussion.

The Committee on House Administration has jurisdiction and responsibility over payments of all appropriations from the contingent fund. These responsibilities are recognized in House rule, statute, practice, and precedent, including a ruling of the Speaker. Authority of House Administration over the fund can be traced to 1803, when one of its predecessor committees, the Committee on Accounts, was created and given authority over contingent fund expenditures.

Specifically, the Committee has jurisdiction over all appropriations and expenditures from the fund, the auditing and settling of all accounts which may be charged to the fund, and measures relating in general to House accounts. The Committee is responsible for approving all vouchers for payments from the fund, for adjusting certain allowances of Members, officers, and the leadership, and for ensuring that expenditures are correct. By law, vouchered expenditures of the contingent fund approved by the Committee are deemed to be "conclusive" upon government financial offices, including the General Accounting Office.

While House Administration has jurisdiction over expenditure of the contingent fund and resolutions proposing to create a charge against the contingent fund are routinely referred to it, the House Appropriations Committee is charged with reporting appropriations measures setting the funding levels for House accounts, including House contingent expenses.

Usually, House Administration reports House resolutions which provide for immediate disbursements of funds for certain House activities to be charged against the contingent fund. Such disbursement authorizations are made before funds are appropriated in the normal appropriations process. If disbursements are made for non-recurring items, House action on the resolution is sufficient to authorize contingent funds for that purpose. When, however, the charges are recurring or are to become permanent, the resolution normally is converted into permanent law.

Current and previous fiscal year appropriations for all sub-headings in the contingent expenses heading are included in the committee reports accompanying the regular annual and supplemental legislative appropriations. Additionally, discussions on the contingent fund can be found in the legislative appropriations hearings on the regular annual bill.

Options

1. Require detailed reporting of all reprogramming activities, including dollar amounts and reasons for reprogramming.
2. Require that all reprogramming activities be published not only in the Report of the Clerk but also annually in the Congressional Record and be available for viewing in the Clerk's Office.
3. Require that the new Office of Inspector General regularly audit all accounts subject to reprogramming and make all findings public.
4. Require coherent and detailed annual reporting of all expenditures from the contingent fund heading.

[1] Public Law 102-90, 105 Stat. 454, August 14, 1991, section 101, Legislative Branch Appropriations, FY92.

[2] The Clerk receives receipts and disburses appropriations for all expenses of the House, with three exceptions. Members' salaries, mileage (to and from each congressional session), and payments to survivors of deceased Members are disbursed by the House Sergeant at Arms. The House Finance Office maintains records of House accounts and administers financial transactions for the Clerk.

5. Require that the new Office of Inspector General regularly audit and make public all findings on use of the contingent fund.

Pending legislation

1. H. Res. 376, introduced 2/25/92 by Rep. Hefley. To limit availability of money for House "Salaries and Expenses" to one year; to require excess amounts of such appropriations to be used to purchase openmarket, interest-bearing obligations of the Government.

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OFFICE SPACE AND FACILITIES

Congressional space is not limited to the Capitol. House operations are concentrated in five office buildings (Cannon, Longworth, Rayburn, O'Neill, and Ford), with the Senate in three main buildings (Russell, Dirksen, and Hart), two subsidiary buildings owned by the Congress (the Plaza and Immigration Buildings), and rental space at 400 North Capitol Street. Substantial office space is also used by legislative branch entities: the three Library of Congress buildings (plus rental Library space at GSA facilities in Landover and Suitland, and overseas branch offices); the GAO building at 4th and G Streets, N.W., plus GAO branch offices world-wide; Office of Technology Assessment offices in rental space at 6th and Pennsylvania SE; the main Government Printing Office building on North Capitol Street; and the St. Cecilia School buildings recently acquired at 6th and East Capitol Streets SE. The Architect of the Capitol has responsibilities over the Botanic Garden and its structures, as well as the Capitol Power plant. The Congress also provides office space in Federal buildings or in privately owned office space as State and District offices for Representatives and Senators.

The apportionment of space in the House has not been reviewed by a special entity since the Commission on Information and Facilities studies of 1976. A comparable, public study of space has not been undertaken in the Senate, but space needs and space apportionment were clearly undertaken when the Hart Building opened in the early 1980s. In 1980, the House Select Committee on Committees recommended that utility space above Statuary Hall be converted to a study room where Members could work near the floor during House sessions; before the House could formally consider the proposal, an amendment to that year's Legislative Branch Appropriations bill banned the use of any congressional funds to implement such a plan. More recently, the Architect of the Capitol began to consider plans to construct an underground visitors center beneath the East Front Capitol plaza, but further actions were shelved when estimated costs proved too high.

Options

1. Leave office space and facilities as they are. Possible costs associated with major renovations and reconfigurations are unacceptable in current era of fiscal constraints.

2. Conduct comprehensive study of space allocations in all congressional buildings; develop inventory and cost estimates associated with rental space (State and District offices, support agency rental space, congressional rented space in Washington) the costs of which are paid from legislative branch funds.

3. Ban rental of privately-owned facilities by legislative entities; require location of such operations in government-owned buildings.

4. Study effective uses of high technology devices to improve office operations within legislative branch; consider pilot or demonstration projects; employ qualified consultants to suggest appropriate uses of new technology in legislative environment.

5. Centralize procurement of equipment for the Congress; require procurement or leasing through General Services Administration as cost control measure.

6. Study differences in House and Senate space and facilities policies to eliminate conflicting or costly operating differences.

7. Consolidate staff in satellite Washington facilities into principal congressional buildings; ban or review more closely the need for rental space for congressional activities.

8. Abandon or demolish O'Neill, Plaza, and Immigration Buildings as outmoded or unsafe for further use as offices.

9. End practice of providing space in congressional buildings for private sector services, executive agency liaison offices, and news media; alternatively, charge appropriate commercial rates for such services.

10. Study reconfiguration of congressional buildings (including structural modifications and use of newer furnishings and equipment) to increase usable square footage.

Pending legislation

1. H.R. 5019, introduced 4/29/92 by Rep. Packard. In part, requires Congress to enter into contracts with the lowest qualified bidders.

2. S. Amdt. 1769 (to S. Con. Res. 106, concurrent budget resolution), offered by Sen. Seymour 4/9/92, agreed to 4/9/92 as amended by Sen. Sasser amendment 1770. Cut operating costs in the legislative and executive branches by 25%.

3. H.R. 4199, introduced 2/7/92 by Rep. Kolter. Require GSA administrator to review existing House motor vehicle leasing, with future leasing to be done through GSA.

4. H. Res. 238, introduced 10/3/91 by Rep. Lancaster. Set aside a section of the House Gallery for use of scholars and permit them to take notes.

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U.S. Congress. Senate. Commission on the Operation of the Senate. Toward a Modern Senate. Final Report of the Commission on the Operation of the Senate. S. Doc. 94–278, 94th Congress, 2d Session. Washington, US Govt. Print. Off., 1976. 83 pp.

APPLICABILITY OF LAWS TO CONGRESS

Congress has been widely criticized for being exempt from various laws, particularly equal employment opportunity and labor legislation, but also other measures, including the Freedom of Information Act, the Privacy Act of 1974, and certain provisions of the Ethics in Government Act of 1978. Critics often fail to note the policy considerations and constitutional grounds (i.e., the separation of powers doctrine and speech or debate clause immunity) that may explain such exemptions. Both the House and Senate have acted in the last few years to apply certain civil rights and labor laws to their employees, but some have called for additional legislative action to address several issues. (1) House and Senate employees are not covered by the rights and protections of the same laws, and some laws are still not applicable to either body. (2) To the extent that they are covered, House employees are limited to in-House enforcement procedures with no right of judicial review and are entitled only to the remedies specified in the House Fair Employment Practices Resolution. (3) Senate employees must follow the internal Senate enforcement procedure (but they do have a right of appellate judicial review) and are entitled to the remedies in certain statutory provisions incorporated in the Civil Rights Act of 1991.

Options

1. Maintain the status quo, allowing both bodies time to implement and assess their recently adopted reforms.

2. Extend to House employees the right of appellate judicial review and the statutory remedies granted to Senate employees in the Civil Rights Act of 1991. Make Members of the House personally liable for payment of awards in discrimination cases, as are Members of the Senate under the 1991 law.

3. Grant both House and Senate employees a right to a jury trial after exhausting administrative remedies.

4. Extend to House and Senate employees rights and protections under all civil rights and labor laws that apply to the executive branch, with remedies and internal enforcement procedures for congressional employees similar to those now available to other Federal employees.

5. Extend to House and Senate employees rights and protections under all civil rights and labor laws that apply to the executive branch, with enforcement authority vested in an independent entity.

Pending legislation (102d Congress)

1. Accountability in Government Act of 1992, transmitted to Congress 4/9/92, by President Bush. Extends to Congress and the White House relevant portions of various civil rights, labor, information, and ethics laws. Except with regard to criminal penalties, enforcement would be by private suit or by the General Accounting Office.

2. H.R. 895, introduced 2/6/91, by Rep. Jacobs. Extends to Congress provisions of the Civil Rights Act of 1964, the National Labor Relations Act, the Fair Labor Standards Act, the Occupational Safety and Health Act, the Freedom of Information Act, and the Privacy Act of 1974.

3. H.R. 3532, introduced 10/9/91, by Rep. Boehner. Applies the Freedom of Information Act to Congress, but exempts from disclosure casework files and constituent correspondence.

4. H.R. 3799, introduced 11/18/91, by Rep. Klug. Extends title VII of the Civil Rights Act of 1964 to the legislative and judicial branches. Establishes an Employment Review Board composed of senior federal judges to adjudicate discrimination claims.

5. S. 2089, introduced 11/26/91, by Sen. Nickles. Extends to Congress, its instrumentalities, and certain executive branch employees the provisions of the National Labor Relations Act, the Fair Labor Standards Act of 1938, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination Act of 1967, the Age Discrimination Act of 1975, the Occupational Safety and Health Act, the Equal Employment Opportunity Act of 1972, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Privacy Act of 1974, and title VI of the Ethics in Government Act of 1978.

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MANAGEMENT AND ACCOUNTABILITY

The Congress of the United States is, in most respects, the most intensely scrutinized component of the Federal Government. Earlier reforms dating from 1946 have made information about congressional operations more accessible to the public and the press. Chamber sessions are televised daily; committee meetings are generally open to the public and press; Members and senior staff are required to file annual statements of income, assets, and liabilities; congressional operating expenditures are reported quarterly by the House and semi-annually by the Senate. Annual reports of activities are prepared by congressional support agencies and by the Architect of the Capitol.

Despite this greater public accountability, many internal operations of the Congress have developed by custom and are not governed by strict lines of management accountability. While arguably legislative and political organizations should be more flexible and less formal than government bureaucracies, many congressional observers believe that clearer lines of authority, removal of duplicative or unnecessary services, stronger management controls, and more comprehensive review and accountability are required in congressional operations.

Congressional management issues are further complicated by bicameral relationships. Essentially every congressional management issue has three components to it. There is a chamber specific component: are formal authorities and accountability sufficiently strong and clear; are essential functions fragmented or divided among different officers or administrators; and are the linkages between managers and relevant House or Senate committees sufficiently strong to ensure effecting congressional control over its own operations? There is an inter-chamber component: if the House and Senate provide different management services or structures, is that difference justifiable or could more efficiency be achieved by agreeing to identical management structures for both chambers? There is also a bicameral component: certain congressional functions are jointly supervised by House and Senate units (the Architect of the Capitol, Capitol Police, the four legislative support agencies). Essentially the management units for each are different. Do different management units achieve justifiable benefits, or could better management and accountability for joint entities be achieved by supervision by just one congressional committee or unit?

Options

1. Abolish House Doorkeeper's Office as unnecessary in wake of shifting of non-legislative services to new post of Director and concentrating legislative functions in the Clerk of the House.

2. Abolish unnecessary separate House and Senate services or functions, and provide services jointly: for example, there are now separate House and Senate Page Schools; separate House and Senate Computer Centers; separate House and Senate Libraries and Document Rooms; and separate press and media galleries, among others.

3. Centralize oversight of the four support agencies into one joint committee, or possibly into a joint subcommittee of the House Administration and Senate Rules and Administration Committees. Consider unifying support agencies and technical services into one omnibus entity.

4. Centralize management of congressional security forces: abolish separate House and Senate "details" for Capitol Police; merge security personnel of Library of Congress and other support units into central force; give police personnel responsibility for chamber security instead of civilian doorkeepers; alter composition and management authority of the Capitol Police Board to make it more accountable to congressional leaders.

5. Make financial reporting more accessible: publish employment and expenditure data in *Congressional Record;* make payroll data open to inspection by public and press; or publish data in *Clerk's and Secretary's Report* more frequently.

6. Review statutory authorities of the officers (and senior managers) of the House and Senate; eliminate archaic provisions; reduce overlapping responsibilities; revise statutes in light of actual, current management practices.

7. Review need for party secretary positions in the Senate in light of overall management reviews. Review work of the "five minority employees" in the House, and consider reclassification of positions.

Pending legislation

1. S. 1649, introduced 8/2/91 by Sen. DeConcini, to establish congressional Constituent Services Office to investigate citizen complaints and grievances about Federal agency action.

2. S. Res. 273 introduced 3/19/92 by Sens. Mitchell and Dole, to amend Senate Rules to provide guidance in Senators and staff in responding to constituent inquiries and in communicating with Federal agencies.

3. H. Res. 435, introduced 4/9/92 by Reps. Camp and Upton, to limit expenditures of House employee salaries and House official expenses accounts to one year.

4. H. Res. 438, introduced 4/9/92 by Rep. James, to appoint a bipartisan search committee to locate candidates for House Sergeant at Arms.

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IV. STAFFING AND ALLOWANCES

The salaries, allowances, and benefits paid or available to Members of Congress have been matters of frequent controversy throughout history. Recent action to approve the 27th Amendment to the Constitution focused public attention again on the issue of appropriate congressional salaries. Press and public criticism of the Congress, especially the House of Representatives, has brought renewed attention to benefits, services, and other perquisites available to the Members.

Earlier this year, the House adopted the Administrative Reform Resolution establishing new management duties and authorities over non-legislative operations of the House. As part of this reform, preliminary steps have been taken to end certain benefits or to impose some fees to help defray benefit costs. However, the full range of such benefits and services have not been reviewed in depth since 1977. A study of these issues is likely to focus on the following components: appropriate levels of personal and committee staff assistance; the relative importance of locating personal staff in Washington versus home district or State offices; methods of improving management of staff and other resources; appropriate levels of allowances to cover "official" expenses, and appropriate use of official expense funds; provision of ancillary services to Members of Congress and staff, and the degree to which these services should be continued at current levels, eliminated altogether, or provided on something approaching a fee-for-service basis.

Staffing

Congressional staffs grew substantially during the 1970's, in part, as a means to give Members and Committees access to more information on pending legislation and to make available more information independent of the executive branch. Committee and personal staff numbers did not grow appreciably during the 1980's, and there are now proposals offered to reduce the level of staff in both Members' offices and in committees. The questions on this subject are primarily related to the appropriate and necessary level of staff required for Congress to exercise its constitutional role effectively, whether such staff are suitably trained and compensated for the services they perform, and whether the declining volume of legislative work in the Congress will permit a significant reduction in staff levels.

Allowances

The 1970s was also a period in which the expense allowances of Members were substantially increased. Not only did the absolute dollar amount available to Members grow, the House (and Senate) acted to increase the range of purposes for which such expense funds could be used. Members were authorized to transfer funds between their staff sal-

ary accounts and their official expense allowance accounts (within certain limits), thereby giving each Member more flexibility in determining their support services priorities.

In general, studies are likely to focus on a basic issue: are expense allowances too generous, or should they be enlarged further. Relatedly, there may be questions raised about re-instituting certain expense limitations which were phased out during the 1970s. For example, the number of trips home which could be charged against the expense allowance was once set at an absolute maximum; now there is no limit, and some suggest it be reinstated. Some have also questioned the need to continue to permit the allowances to be used for certain purposes; for example, should the allowance be used for leasing mobile offices or for leasing automobiles, should Members be permitted to lease their own specialized office equipment (computers, fax machines, copiers, and cellular phones, for example), or should each office be provided a standard basic allotment of equipment? House and Senate allowance structures are significantly different, and questions may be raised about whether they can be brought into greater uniformity.

Services

A number of historic services provided to Members of Congress and staff either free of charge or at reduced charges have recently come under closer examination. A Task Force of the House Administration Committee has undertaken a review of these perquisites, but has not yet come to any final conclusions on them. A reform study could review any recommendations from this Task Force, or consider other benefits not examined by it.

Some have suggested that all services and facilities provided Members and staff of the Congress (other than those essential in discharging legislative and representational duties) be provided by private vendors charging market rates. Others have argued that most private businesses and executive branch agencies provide specialized services for their executives and staff, and that Members and congressional employees should not be treated in a worse manner than their executive branch and private sector counterparts merely because they are part of the legislature. There is, of course, the underlying issue of defining precisely what services are not essential to the discharge of legislative and representational duties.

Among the services coming under suggested review are: health services and facilities, athletic facilities, food services and catering staffs, transportation services, media resource centers and staff, barber and beauty shops, and gift shops, among others.

Miscellaneous topics

Services and facilities of the Congress are provided by the leaders and officers of each House, and by a bicameral officer, the Architect of the Capitol. Questions have been raised about the degree to which the Architect is subject to effective supervision by the bicameral leadership.

The House and Senate have historically employed teenagers as congressional pages and messengers. The House and Senate have different rules for the employment of pages, and each provides separate educational programs for their pages. Questions have arisen about the utility of maintaining the page system, and about establishing uniform page educational, residential, and employment requirements.

ALLOWANCES, SUPPLIES, PERKS, AND EQUIPMENT

Members of the House have three allowances available to them: (1) the Clerk Hire Allowance; (2) the Official Expenses Allowance; and (3) the Official Mail Allowance. These allowances are available to support official and representational duties to the districts from which elected. The allowances are not to be used to defray any personal, political, or campaign-related expenses. Additionally, each Representative is personally responsible for payment 'of any expenses incurred which exceed the set allowances.

Each Member is entitled to an annual Clerk Hire Allowance of $537,480. Each Member's Official Mail Allowance is based on formula. A base allowance of $122,500 is authorized each Member for his/her Official Expenses Allowance. This base allowance is in addition to sums for travel and district office space both based on formula. The average Expenses Allowance is $193,537. It may be used for expenses of travel, office equipment lease, district office lease, stationery (including paper, envelopes, and other supplies), telecommunications, printing, postage, computer services, and other official expenses. Expenses that cannot be paid from the allowance are detailed in law and by the House Administration Committee. Vouchers for expenditures must be approved by the Committee, and members are required to file quarterly reports showing their use of expense allowances.

Members also are entitled to a public document envelope allowance, a mileage allowance to and from each session of Congress, and a travel allowance for organizational caucuses and conferences.

In addition, there are chargeable services available to Members, including those of the Barber and Beauty Shops, party photographers, printers, Botanic Garden (plants), Recording Studio, Stationery Room, gym, Office of Attending Physician, military hospitals, among others. Other services are available such as furnishings for offices (on loan), file storage assistance, credit union, parking spaces at area airports, National Gallery painting reproductions.

In 1971, the House authorized the House Administration Committee to review and make appropriate adjustments in various Member allowances without requirement of House approval or disapproval. Any action was required to be published in the Congressional Record. In 1976, the House revised this authority to require adoption of resolutions by the House for adjustments in allowances and to limit the Committee's authority to make adjustments except to reflect changes in price of materials, changes in technology, and changes in cost of living.

Concerns with allowances and services focus primarily on the types and propriety of various allowances, perquisites, and benefits, those personal services provided at less than market value, and methods by which allowances are adjusted.

Options

1. Require action by the House to authorize any adjustment in congressional allowances and benefits.

2. Repeal the House Administration Committee's authority to make such adjustments, or to require any adjustment by that Committee to be approved by the House to take effect.

3. Require a roll call vote on any proposal affecting Member perquisites.

4. Require Members to pay market rates for various benefits, including some or all of the following: medicine, hospital care, ambulance service, meals, flowers, plants, pictures, picture framers, haircuts, or other items, services, or privileges.

5. Bring congressional benefits in line with those received by other Federal employees.

6. Make public any adjustments in allowances, services, benefits for Members and their staffs.

7. Conduct a thorough study of existing allowances, services, and benefits requiring the House to decide which to retain or eliminate as unnecessary.

Pending legislation

1. H.R. 3610, introduced 10/22/91 by Rep. Kostmayer. To require Members to pay for medical services and medications obtained from the Office of Attending Physician. Related: S. 1830, H.R. 3724, H.R. 4057.

2. S. Res. 238, introduced 11/27/91 by Sen. Specter. To require to the Committee on Rules and Administration to report no later than June 30, 1992, on a plan to deal with Senators' perquisites with a view toward having them pay full market value for such perquisites or having their value included in a Senator's overall compensation.

3. H. Res. 291, introduced 11/21/91 by Rep. Hughes. To eliminate perquisites for Members of the House. See also H. Res. 406.

4. S. 2174, introduced 1/31/92 by Sen. Daschle. To preclude Members and staff from receiving any benefit not available to other persons unless determined necessary to the performance of duty; require the House and Senate Sergeants at Arms to compile a list of all services and benefits not available to other persons and report these to the House Rules and Senate Rules and Administration Committees for them to determine which are necessary to performance of duty and which are not but appropriated should be available at fair market rates to Members and staff, with any profits therefrom to go towards deficit reduction; all perks determined unnecessary be eliminated.

5. H.R. 4199, introduced 2/7/92 by Rep. Kolter. To require GSA Administrator to review existing House motor vehicle leasing; future leasing to be done through GSA.

6. H.R. 4294, introduced 2/25/92 by Rep. Nussle, et. al. To privatize the House gym and barber shops; eliminate reserved parking at National Airport for Members; terminate free in-House prescription service for Members, among other provisions.

7. H. Res. 405, introduced 3/20/92 by Rep. Hunter. To require Representatives to pay for certain medical or personal goods and services.

8. H.R. 4612, introduced 3/26/92 by Rep. Solomon. To repeal and prohibit all privileges and gratuities for Members of the House.

9. H. Res. 408, introduced 3/26/92 by Rep. Wylie. To have GAO study the nature, extent, and cost of perquisites available to House Members and to reform such perquisites before the end of the 102d Congress.

10. H. Res. 416, introduced 4/1/92 by Rep. Taylor (MS) et. al. To prohibit assignment of Government motor vehicles and drivers to political party whips in the House.

11. H. Res. 423, introduced 4/8/92 by Rep. Gephardt. Democratic management reform proposal (adopted April 9) which included a provision authorizing the House Administration Committee to take necessary action, in accordance with directives from the Speaker, to eliminate House perks.

12. H. Res. 424, introduced 4/8/92 by Rep. Oakar. To eliminate a number of House perks, among them, car wash service, picture framing, assignment of government vehicles and drivers for exclusive use of a Member, use of military aircraft for domestic and for-

eign travel unless less costly than use of commercial aircraft, no-cost flowers from the Botanic Garden, subsidy for purchase of certain calendars, free parking at area airports; to require certain supplies and services be made available only at full market pricing; and to privatize all printing services offered by the majority and minority printers.

13. H. Res. 437, introduced 4/9/92 by Rep. Roberts. To privatize designated House operations and reduce staff accordingly.

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CLERK HIRE

Representatives and Senators each receive appropriated funds to pay for clerk-hire. In the House a Member may hire no more than 18 fulltime and 4 part-time staff, for which he is authorized about $598,000 per year. Members seldom hire the full complement of authorized staff and seldom spend the entire authorized allowance even when they do hire up to the ceiling.

By contrast, a Senator's clerk-hire allowance is based on the size of the State's population. It can range from as low as $1.3 million per year to as high as $2.3 million. However, three-fourths of Senators qualify only for the least amount available. On average Senators employ 40 personal staff, with the range being from the mid 20s to the mid 70s. As in the House, Senators frequently do not spend their entire clerk-hire allowance.

Members of both the House and Senate make extensive use of interns (mostly unpaid) and fellows (paid by outside sources) to supplement the 12,000 or so staff hired with appropriated funds (roughly 8,000 in the House and 4,000 in Senate). Another practice that is growing is for Members from the same State and, usually, same party to share staff.

Yet a third contemporary trend has been to place increasing numbers of personal staff in district and State offices. Collectively the 435 House Members have about 900 district offices and house about 40 of their staff in them, while the 100 Senators have 975 State offices and place more than a third of their staff in them.

Key issues include the numbers of staff, the appropriate ratio between personal and committee staff, the types of staff hired by Members and whether they are used effectively, the influence of staff, the effects of staff turnover, pay equity among staff doing comparable work, and the rules for hiring employees and employee rights.

Options

1. Reduce the number of congressional staff, especially committee staff, either by percentage cuts in the number of staff or by reductions in funding for them. Relatedly, centralize more operations, e.g., constituency service.

2. Institute rules for the hiring of staff that correspond more closely to those under which other Federal Government employers must operate yet retain appropriate hiring flexibility for Members. Relatedly, inquire into and assure pay equity among congressional staff doing similar work.

3. Upgrade recently enacted employee rights for congressional staff to conform them more closely to those granted other Federal employees, including the right to judicial remedy for alleged discrimination or mistreatment.

4. Impose limits on the tenure of congressional staff. Contrarily, explore ways in which to lengthen the period of time, which is quite low, that personal staff remain in positions and on the Hill.

5. Augment training programs for congressional staff in order to increase their knowledge, skills, and ability to be of optimal assistance to Members.

6. Define more clearly appropriate and inappropriate official conduct by staff so as to curb misuse of authority and train staff accordingly.

Pending legislation

1. Constituent Service. Senate Amendment 269, offered by Sen. Dole 5/23/91 to S. 3 (withdrawn), would require Federal agencies to log and report written and unwritten congressional inquiries about enforcement matters and contract award proceedings. S. 1649, introduced by Sen. DeConcini on 8/2/91, would establish an Office of Constituent Services to investigate constituent complaints and grievances about Federal agency actions referred to it by a Member or committee. S. Res. 273, introduced 3/19/92 by Senate Majority Leader Mitchell and Republican Leader Dole, would provide guidelines for, enumerate acceptable forms of intervention by, and require the avoidance of connections between campaign contributions and interventive action by Senators and Senate employees in discharging the representative functions of Members with respect to communications with Federal agencies on behalf of petitioners.

2. Employee Rights. H.R. 3555, introduced 10/11/91 by Rep. Bennett, would, inter alia, apply various provisions of selected civil rights and labor laws to Congress. Similar bills and resolutions include: H.R. 895, introduced 2/6/91, by Rep. Jacobs. Extends to Congress provisions of the Civil Rights Act of 1964, the National Labor Relations Act, the Fair Labor Standards Act, the Occupational Safety and Health Act, the Freedom of Information Act, and the Privacy Act of 1974; H.R. 3734, introduced 11/7/91 by Rep. Dannemeyer et al; H.R. 3799, introduced 11/18/91, by Rep. Klug. Extends title VII of the Civil Rights Act of 1964 to the legislative and judicial branches. Establishes an Employment Review Board composed of senior federal judges to adjudicate discrimination claims; H.R. 3880, introduced 11/22/91 by Rep. Gillmor; H.R. 4224, a multiple reform bill, introduced 2/14/92 by Rep. Fawell; H.R. 4284, introduced 2/20/92 by Rep. Gillmor; H.R. 4294, introduced 2/25/92 by Rep. Nussle et al; H.R. 4347, introduced 4/9/92 by Republican Leader Michel on behalf of the Bush Administration; H.R. 4894, introduced 4/9/92, by Rep. Chandler; H. Con. Res. 225, introduced 10/23/91 by Rep. Goss; H. Res. 127, Republican Rules reform resolution, introduced 4/17/91 by Rep. Edwards (OK) et al; H. Res. 419, introduced 4/3/92 by Republican Leader Michel et al; H. Res. 421, a multiple reform resolution, introduced 4/7/92 by Rep. Armey; S. 1937, introduced 11/7/91 by Sen. Coats; S. 2089, introduced 11/26/91 by Sen. Nickles, Packwood, and Mikulski; and S. 2366, introduced 3/18/92 by Sen. Coats and Seymour.

3. Pay Equity. H. Con. Res. 222, introduced 10/16/91 by Rep. Snowe, would establish a Commission on Employment Discrimination to investigate pay inequity in the legislative branch and develop a plan for eliminating it.

4. Staff Size, Funding, or Tenure. H.R. 1897, introduced 4/17/91 by Rep. Thomas (CA) et al, would limit staff growth in each branch of the Federal Government. Similar legislation includes: H.R. 2595, introduced 6/7/92 by Rep. Thomas (CA), to require a 5% workforce reduction in each branch of Government; and H. Con. Res. 288, introduced 3/4/92 by Rep. Edwards (OK), to limit House and Senate personal and committee employee positions to those available at the end of the first session of the 102d Congress and to reduce committee funding over the next three Congresses by 30%. H.R. 4555, introduced 3/24/92 by Rep. Nichols, would limit the number of years that a staffer can be employed by the House to 12 years.

Literature citations

Congressional Office Operations and Staffing: Selected References, CBS Report 92-63S, by Frederick H. Pauls, Jan. 8, 1992, 3 p.

Congressional Staff: An Analysis of their Roles, Functions, and Impacts, CRS Report 92-90 S, by Paul S. Rundquist, Judy Schneider, and Frederick H. Pauls, Jan. 24, 1992, 33 p.

DOMESTIC TRAVEL

Members of Congress are authorized public funds for domestic travel (foreign travel is separately discussed in this report) for three purposes: to come to Washington for the convening of a session of Congress and to return to their District or State upon adjournment sine die, to travel to, from, and within their districts and States during a session, and for trips in connection with committees on which they serve or as part of chamber delegations. In addition, each Representative-elect is paid for the round-trip from his residence to Washington, D.C. to attend the party organizational meetings held after each general election and before the next convening of Congress.

House Members are authorized to pay for their during-session travel from their official office expense allowance according to a formula (distance from D.C. to farthest point in district x 64 x 23¢ to 39¢ per mile depending on distance between district and D.C., but at least $6,200). Senators are authorized to pay for such travel, and for other travel for official business—but not for commuting, from their official office expense allowance. The amount authorized a Senator varies depending on the State's distance from Washington, D.C. Both Senators and Representatives determine the extent to which they will spend from these allowances for travel and for the other purposes for which the allowance may be used. Accordingly, the number of such trips and their overall cost is not readily ascertainable. Any travel costs incurred by Members beyond these must be met from personal or campaign funds. Calculating per Member costs of domestic travel incurred for committee or chamber related activities is difficult because of its sporadic nature.

In addition, and as available, Members may travel on Government-owned airplanes for official purposes. An ambiguous area relates to the extent that Members may accept travel paid for by other sources. Federal law and House and Senate rules authorize outside payment of, or reimbursement for, travel expenses related to Members making appearances. In a gray zone is "no cost" travel accorded Members for other reasons.

Issues related to domestic travel include whether: (1) the number of publicly funded trips are too many or too few, (2) travel occurs at the most economical cost, (3) seating upgrades, other airline discount privileges accorded to Members for travel, and free travel not specifically authorized by law may constitute a "gift," and (4) it is appropriate for Members to travel on Government-

owned airplanes and, if so, for what purposes and, collaterally, how the cost of such travel should be estimated. Few bills related to travel have been introduced in the 102 Congress.

Options

1. Significantly reduce the amount of publicly paid for travel whether from funds directly provided to Members or on Government-owned planes.
2. Study Member travel of all kinds (official, speech and appearance related, funeral delegations, campaigning related, etc.) and set forth detailed guidelines and standards for each type and how it is to be accounted, reported, and paid for.
3. Either set rules and standards for, or curtail or eliminate, "free travel" and airline discounts.
4. Subject all travel by whatever means to full disclosure.
5. Tighten authorization rules for official travel.
6. Require all travel tickets to be issued by a central office in each chamber at the most economical rate.
7. Enact a standard and uniform formula for calculating the costs for travel for official purposes by Senators and Representatives.

Pending legislation

1. S. 1855, introduced 10/22/91 by Sen. Grassley, would require all Federal travel, including congressional, to be as economical as possible, and to be fully reported and justified.
2. H.R. 4530, introduced 3/20/92 by Rep. Kanjorski, would require advance approval and greater disclosure of and accountability for all Federal Government travel.
3. H.R. 4199, introduced 2/7/92 by Rep. Kolter, would require the GSA Administrator to review existing House motor vehicle leasing policy and would require leasing in the future to be done through GSA.
4. H. Res. 347, introduced 2/5/92 by Rep. Santorum et al, would limit congressional mileage rates to those accorded other Government employees.

Literature citations

Salaries and Allowances: The Congress, CRS Report 92-86 GOV, by Paul E. Dwyer, revised April 27, 1992, 12 p.

FOREIGN TRAVEL

Members and staff participate in foreign travel on official House business primarily through their official duties as members of committees and as participants in delegations appointed by the leadership. Additionally, Members and staff travel at the request of the executive branch. Only House Members who have been defeated for reelection or have resigned or retired are prohibited from participating in foreign travel at government expense.

Funds used to pay for congressional foreign travel include appropriations for the legislative branch, appropriations for State and Defense, and counterpart funds. The latter funds are those local currencies held by the United States in a foreign country and made available to congressional committees and delegations to meet local expenses while engaged in official business in that country.

Committees and delegations are required to file foreign travel expenditure reports on a quarterly basis. Reports must be submitted within 30 days after completion of travel to the Clerk of the House. Further, reports are periodically published in the CONGRESSIONAL RECORD and be open in the Clerk's Office for public inspection within ten legislative days after receipt. In addition to the statutory requirements, provision is also made in House Rules governing delegation travel authorized by the Speaker and relating to use of and accounting for counterpart funds by House committees. Not all foreign travel expenditures paid from Defense and State budgets are reported and publicly available.

Transportation may be either commercial or military. Present law permits congressional travel on military aircraft when necessary. For this, the Defense Department makes available use of the 89th Airlift Wing, stationed at Andrews Air Force Base. The Department retains authority to determine proper use. The 89th Wing also is available for executive branch foreign travel.

While the merits of foreign travel have been debated since the early 1800s critics of late have directed attention not so much on the alleged dubious benefits of such travel as on the need for greater accountability of expenditures and justifications for such travel. Also at issue are alleged inappropriate uses of military aircraft on legislative business. Suggestions have been made to eliminate the discretionary authority by Defense to determine purposes for which military planes are to be made available to Members and to require Congress to authorize theirs use.

Options

1. Require detailed, public reports of all foreign travel providing itineraries, expenses, purposes of travel, and accomplishments.
2. Require the majority and minority leadership to authorize as necessary for official purposes the use of military aircraft or any other flights provided by the executive branch for Congress, and, eliminate any presumed authority by Defense or any other executive agency to provide such services on a discretionary basis.
3. Require a separate appropriation for all foreign travel by delegations and committees of Congress.
4. Require congressional use of State and Defense appropriations to be itemized in detail and made publicly available in a timely manner.
5. Require use of least expensive transportation mode particularly if that means use of commercial over military aircraft.
6. Require clarification on policies governing use of military aircraft for both congressional and executive travel.
7. Require House approval for all foreign travel by Representatives and staff except in cases where joint leadership determined national security to be at issue.
8. Alternatively, require House approval for all delegation travel and a vote in full committee for all travel related to the committee's business.

Pending legislation

1. H.R. 4985, introduced 4/9/92 by Rep. Wise. To require a separate appropriation for all congressional foreign travel.
2. H.R. 461, introduced 1/7/91 by Rep. Kanjorski. To apply the legislative branch foreign travel rules and requirements to the executive and judicial branches of the Federal Government.
3. S. 1855, introduced 10/22/91 by Sen. Grassley. To require all Federal travel, including congressional, to be as economical as possible and to be fully reported and justified.

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U.S. General Accounting Office. Military Aircraft—Policies on Government Officials' Use of 89th Military Airlift Wing Aircraft. Report to Congress, GAO/NSIAD-92-133, April 1992: 38 pp.

Dwyer, Paul. Foreign Travel by Congressional Delegations: Authority to Travel and Requirements for Reporting Expenditures, Congressional Research Service typescript report, April 13, 1984: 8 pp.

———. History of Reporting Requirements for Foreign Travel Expenditures by Members and Employees of the House of Representatives, 1946–1982, Congressional Research Service typescript report, July 28, 1982: 12 pp.

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Ornstein, Norman J. Another Look at Congressional Junkets. Newsweek, v. 98, July 13, 1981: 15.

Yett, Sheldon and David Weisenfeld and Kerry Chase. Records of Foreign Travel by Members of Congress, Congressional Quarterly Weekly Report, v. 47, September 2, 1989: 2268–2284.

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Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the Member from Dutchess County who shares the Hudson Valley with me, the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I view today as an opportunity to move forward legislation to contribute to the examination of the congressional operations and the recommendations of reforms.

Mr. Speaker, as a result of House bank and post office scandals, the focus on congressional perks, runaway Government spending and a Federal budget deficit of nearly $400 billion, gridlock between Congress and the President—it is not surprising that public approval of Congress stands at an all-time low.

The public demands that Congress improve its performance and responsiveness. Today we have the opportunity to move forward legislation to establish a joint committee charged with thoroughly examining congressional operations and recommending reforms to make the institution more effective and efficient.

I expect this joint committee will address many of the recent criticisms of Congress—that there are too many committees and too many staff, too much partisanship, too little oversight, and a lack of communication between Chambers and branches.

Issues before us are far more complex than they were when Congress last conducted a comprehensive review of its procedures—nearly 30 years ago. Many of the problems confronting this institution have changed, and its operations must be reformed to respond to new issues and new demands.

We have acted on campaign financing reform. Now is the time to streamline our operations to be more responsive to the people's agenda. While it may not cure all that ails this institution, I hope this legislation will be a step in the journey toward restoring public confidence in Congress.

I want to thank the members of the Rules Committee for their hard work in expeditiously reporting this bill to the floor. The process of reform and change in Congress is continuous and evolutionary. Times are rapidly changing and Congress must change with it. I urge my colleagues to support this important resolution. We can and must do better.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS], our ranking member of the Committee on House Administration.

Mr. THOMAS of California. Mr. Speaker, as the ranking member on the Committee on House Administration I strongly encourage passage of this resolution. In doing so, I urge you to consider what it is that the Joint Committee on the Organization of Congress should accomplish. Will the Legislative Reorganization Act of 1993 fundamentally restructure the organization of Congress? Or will it be another dismal failure?

The framers of the Legislative Reorganization Act of 1946, which is universally regarded as the most ambitious reorganization in history of Congress, had three basic objectives: to streamline the committee structure, to develop professional staff, and to enhance legislative control of the Federal budget process. The act basically succeeded in the first two objectives, at least in the short term, and failed in the third.

However, the most significant feature of the 1946 act, reducing the number of committees and clarifying their jurisdictions, was subsequently undermined by the proliferation of subcommittees. Today there are over 240 of them. In 1947, the standing committees of the House had 167 employees, 40 years later they had 2,024 employees. Over the same period, the ratio of bills passed to bills introduced fell from 22.8 percent to 16.9 percent.

Every attempt at comprehensive reform of this organization since 1946 has largely failed. There have been numerous attempts at institutional reorganization, including the 1965 Joint Committee on the Organization of Congress, and two different House Select Committees on Committees, which produced little more than window dressing. Why? Because Congress refused to accept any comprehensive changes.

In each case, the ostensible endorsement of reform was followed by an erosion of support. During innumerable hearings, legislators had plenty of suggestions on how to reform the structure and procedures in Congress. But those who would have lost the most as a result of the changes possessed a disproportionate amount of power to resist them.

We need to spend some time reviewing the reasons why previous efforts at reorganization have failed in order to gain an understanding of how we might now succeed. Before the committee can suggest changes, it must research and understand the incentives embodied in the existing structure. Any suggested changes must be brought up and presented in a way that enhances their chance for passage.

Only those who are immersed in the process can engage in the introspection and self-evaluation that is needed. Surely you would not expect a college freshman to revise the curriculum. If this committee is to propose realistic changes, the members of the committee must have a day-to-day working knowledge of the current structure.

In 1945, the Joint Committee on the Organization of Congress sought to systematize and reorganize the committee system by eliminating obsolete committees and consolidating others. We need to rekindle this effort—perhaps our theme could be "Renew in '92." Ultimately, the goal must be a more efficient and responsive people's branch of Government. This can only be accomplished through a thorough and systematic examination of the structure and procedures of this institution. We need to construct a committee system of carefully defined and distinct jurisdictions, in which membership does not overlap, and meeting times do not conflict.

As a final point, I would like to commend the drafters of this resolution for succeeding where the resolution creating the House Administrator failed so miserably. Nowhere in the universe of parliamentary procedure does a tie vote move a measure forward, except in the new Subcommittee on Administrative Oversight which was created by that resolution. Any real reform must be truly bipartisan, perhaps the structure created by this resolution will permit real reform.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding the time.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 192 of which I am a proud cosponsor. This resolution has been primarily authored by two of the most estimable Members of this body, the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Ohio [Mr. GRADISON].

I do not know, Mr. Speaker, whether there is something about the air and the ambience of the Ohio River, but the gentleman from Indiana and the gentleman from Ohio both represent districts along the Ohio River, as mine is.

I had the pleasure of testifying before the gentleman from Massachusetts' committee in behalf of House Concurrent Resolution 192. I mention several things which this committee, when formed, could take under consideration. None of my suggestions were new and startling, as no suggestions that will reach this committee will be new and startling. But they involve everything from the size of committees, to the size of staffs, to the jurisdiction of our committees, to whether or not membership on the committees or chairs of the committees ought to be rotated and budgeting that we have to study periodically. All of these things will come before the committee.

I hope at some point perhaps campaign finance reform might also come to the committee, but that may have to go to another committee.

I believe as many of the speakers earlier today have said that there has been a history of recommendations which have not been adopted or have not come to fruition. What gives me real encouragement about House Concurrent Resolution 192 are the two likely leaders of that panel, the gentleman from Indiana and the gentleman from Ohio. I think that they have the talent, they certainly have the intelligence, and they have the drive and determination to bring this very heavy challenge off. So I join in supporting this resolution and offering my support to these two gentlemen and the committee.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for yielding me the time and I too rise today in strong support. It is a love feast we have going here today. Everybody is in support of this, and I hope we are as we go through this process, because it is going to be a painful process.

The relationship between the American people and its Government is somewhat like a marriage that has gone sour. The voting public is fed up with the game playing and the broken promises and the feel-good rhetoric. They want a government they can believe in and support in good times and bad.

This is the people's House, Mr. Speaker, and yet the people want nothing to do with us. It is funny, when the world is looking to us for guidance about how to put together a government that works, our own Nation is very discouraged and disillusioned about its Government.

Unfortunately, Congress has been too busy dodging the latest scandal to notice how warped the relationship has become with the very people we represent. The House leadership has been too consumed with partisan bickering to stop and listen to what the people are saying.

Well, the American people are not happy, and they are not going to be fooled again. Unless Congress improves the way it conducts business, this institution is in serious, serious trouble. Changing the cost of haircuts is not the answer. It is much deeper, much more systemic than that.

To restore the public trust, we need to pass this resolution and take a good look at the way this place operates. There has got to be a better way. What we have now is a bloated bureaucracy that has mastered the art of partisan politics. The result is deadlock and frustration.

There are so many changes that need to be made that would greatly improve

the way Congress functions. Voting in favor of this resolution will show that we truly do support congressional reform. Let us restore America's pride in its legislative branch of Government. This is a start toward doing that.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of Gradison-Hamilton.

The freshman class has been for positive reform. It has been difficult because it usually deals with power.

When the November election is past, 130 to 150 new Members here are going to be fighting against the inadequacies of this body, and I think positive change is in order. If you do not do it, as the gentleman from Virginia [Mr. WOLF] stated, we will. And I hope, as the gentleman from Missouri [Mr. SKELTON] said, that we will have positive change.

The American people are saying why let rank lead when ability can do it better? I think the Gradison-Hamilton amendment is an attempt at leadership, to let the rest of us follow, and I pray that it is, but if it is not, with leadership comes accountability, and if you do, we will follow and we will support you 100 percent.

It is like the British fighter pilot saying: "Hark, there we must go.

"Hark, there they go again.

"I must harken after them, for I am their leader."

If you rendezvous with us, we will follow.

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Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER], who is, as one of our new Members, a reformer in the House.

Mr. BOEHNER. Mr. Speaker, Albert Einstein once said:

> The significant problems we face cannot be solved at the same level of thinking we were at when we created them.

Mr. Speaker, I think those words are very relevant to the action we are about to take.

There can be no question as to whether or not the House has a problem. Clearly we do.

Nor can there be any question about our continued attempts to try to operate under a structure established to deal with the problems of the 1940's or the 1970's. We are, and it is not working well.

It is now our obligation to rise up and anticipate the challenges of the next generation and restructure ourselves so that we can better meet those challenges.

Today let us focus on positive change and come together for the betterment of this body and this Nation.

I rise to support passage of this legislation, introduced by our senior colleagues BILL GRADISON and LEE HAMILTON, to create a Joint Committee on Congress.

This committee would focus on ways to increase the effectiveness and efficiency of the Congress thereby restoring our credibility, and with it, hopefully the respect of our Nation.

Some argue that this type of reform is not necessary or that the systems in place have worked well through time and we should not be fiddling with precedent.

I respectfully disagree with this status quo mentality. Clearly something needs to be done.

This call for reform is not based on a new idea. Throughout history this body has responded to the need for change by forming similar committees and implementing their recommendations—the latest being in 1946 and 1970.

I, as well as Members of my class, do not wish to take part in mindlessly criticizing this body.

We want to contribute positively to the debate. Though others may characterize our actions otherwise, our motives and desire have always been to make this a better institution, one that is more responsive to the needs of our Nation, more accountable to the constituents we represent and thus more credible in our actions.

Last summer the bipartisan freshman class nearly unanimously endorsed and cosponsored this legislation—at that point some of us initiated discussions with outside groups and the Congressional Research Service to develop a blueprint for congressional reform—earlier today we presented the first product of this effort—authored by CRS.

Clearly, by our actions, we have demonstrated our sincere interest in positive reform and want to be a part of the process. As such, we respectfully ask the leadership of this body to assure that our class is represented on the committee.

As Champ Clark, former Speaker of the House once said when engaged in a similar battle:

> This is a fight against a system. It does not make any difference to me that it is sanctified by time. There has never been any progress in this world except to overthrow precedents and take new positions. There never will be—we are fighting to rehabilitate the House of Representatives and to restore it to its ancient place of honor and prestige in our system of government.

Mr. Speaker, in the best interest of this Nation and this body, let us move forward immediately and begin to address this challenge. Let us move quickly so that this committee may offer reform proposals that can, and will be, implemented for the beginning of the 103d Congress.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. RIGGS], another freshman Member.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this bipartisan resolution. I think it is particularly appropriate that it comes to the House floor during the week of the 20th anniversary of the Watergate break-in.

We have an opportunity, a window of opportunity perhaps unrivaled since that time period, to bring about real reform in the House of Representatives, the House of the people, and to let the sun shine in, frankly, on any dark little corners or dirty little secrets regarding how this Congress works. One of the areas that needs to be reformed, one of the areas, one of the reforms that will lead to the elimination of intense partisan bickering that we see on a daily basis and one of the contributing causes of the legislative gridlock we have today is closed rules, closed rules waiving all points of order that do not allow those of us on the minority side to offer our ideas in constructive debate on the issues before the American people.

We also know that the committee and subcommittee structure needs reorganization. I think we can trust that task to the distinguished bipartisan leadership that will be heading up this task force so that we can have the Congress run on a more efficient and more smooth basis and perhaps bring important legislation to the House floor in a more expeditious fashion.

Mr. Speaker, I commend the leaders of both parties for bringing this legislation to the forefront, bringing it to the House floor today, and can simply conclude by saying that our hands on this side of the aisle are extended in a spirit of bipartisanship. We would like to see real reform, real accountability in the House of the people.

I urge swift passage of this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of this legislation, which would establish the Joint Committee on Organization of Congress.

I particularly wish to thank our fine colleagues from Indiana, Mr. HAMILTON, for his leadership and vision on this issue.

Mr. Speaker, 216 years ago the Government of the United States was born of a commitment to become a responsive republic unlike any the world had known. And so it has.

As has been true throughout our history, part of remaining a responsive government is a constant commitment of self-examination. That is why there has never been a second American revolution. We are still living in the first.

Today, when an American corporation becomes stagnant or mired in business as usual—instead of better

business—its products suffer, confidence declines, and that corporation runs the risk of being driven out of business.

And today, it is Congress that has become organizationally stagnant—perhaps near paralysis.

Fortunately, we have the capability, responsibility and duty to put this House in order for the 1990's and the early 21st century.

The House of Representatives is the most directly representative body in the world. No one may be appointed to the House. Members must be elected by the people—unlike the Senate, even unlike the President of the United States.

That means that the House can and must continue to be the most responsive institution to wishes and needs of the American people.

Since the end of the Second World War, Congress has twice established joint committees to study the structures of the House and the Senate. The last time was a generation ago.

As America has adapted and matured in the last 20 years, so, too, must Congress adapt and mature.

Increasingly in that time, the executive branch has fallen down on its job as America's cop on the beat.

More and more it is left to Congress to ensure that the laws enacted here are, in fact, carried out in the letter and spirit we intended on behalf of the American people.

Given that truth, the Congress of the 1990's might wish to have committees better reflect the organization of the executive branch so that we could speak and act for the American people more quickly, and with greater effectiveness and oversight.

The Joint Committee on Organization of Congress will be charged with determining how such a goal, and others, could best be accomplished.

Mr. Speaker, the American people demand and deserve nothing less than foresight from this institution.

That is why I encourage all my colleagues to support this legislation and to begin the process of reorganization as soon as possible.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this legislation. I think it is long past due for the Congress to think in terms of structural reorganization.

I think it would be important for us to focus on the real impediments to progress and an end to gridlock rather than simply work on the margins, politicizing our criticism of Congress.

It is time for this House to move on the deep and complex problems of this Nation. We need to do something to jump-start this economy. We need to do something about the skyrocketing cost of health care. We need to reduce the deficit. To most effectively confront these and other major issues of the day, I have come to believe that a responsible reorganization of Congress is in order.

For that reason, I support this legislation, which would set up a bipartisan and bicameral body specifically charged with determining how we might conduct the public's business in a more efficient manner.

This Congress has shown that it can make important reforms in its own operations that make a real difference for the public interest. To name just a few recent steps forward, in 1989 we abolished honoraria. That same law also put the principle of the Madison constitutional amendment on congressional pay into law, and eliminated the grandfather clause, immediately ending the option of all but those Members elected before 1980 to convert campaign funds to personal use after their retirement, and permanently banning the practice for all Members beginning next year. That Congress also enacted the first significant restrictions and public disclosure requirements for the use of franked mail, changes which have produced tens of millions of dollars in savings for the taxpayer. In the current Congress, House and Senate Democrats passed the most significant campaign finance reform measure in a generation, only to see it vetoed.

These reforms and attempted reforms have not made the Congress a perfect place. There are further changes we should make to ensure that this is the most responsive and decisive legislature possible.

Tasking a joint committee to arrive at such suggestions makes sense. The suggestions that it makes may be just the oil needed to loosen the gridlock which all too often grips this city.

In order to focus and constructively direct concerns about the internal workings of the House, and to put real issues like the economy, and health care and unemployment reform back on the front burner, I urge my colleagues to support this study of congressional reform.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time just to say to the Members that 14 years ago there was a problem in this House and in the other body. Fourteen years ago the leadership in both the Democrat and Republican Parties in both Houses appointed a committee. It was called the Select Committee on Committees, and in our House it was headed up by Jerry Patterson, a Democrat from California, a very fine gentleman. I happened to serve on that committee as a freshman Member of this body, a very naive freshman Member.

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We worked for over a year during 1979 and 1980 and we put together the reforms that we thought were needed. We had unanimous agreement on both sides of the aisle in our select committee. Every single Republican, every single Democrat was willing to deal with the problems as we understood them.

You know, we brought a bill to the floor of the House—and what do you think happened? We got 42 votes out of 435—42. The members of the committee voted for it and everybody else voted against it. All the Democrat chairmen, all the Democrat subcommittee chairmen, all the Republican ranking members of full committees, all the Republican ranking members of subcommittees: all voted against it to protect their little fiefdoms.

Now, Mr. Speaker, the problems are even greater today, 14 years later. Nothing has been done. As a matter of fact, things have gotten worse. These subcommittees have proliferated. The number of staff has proliferated. And I do not mean to knock the staff. They are all good people. They do good work, but we are muscle-bound around here. We are in gridlock.

The joint committee proposed by House Concurrent Resolution 192 is a bipartisan committee, comprised of 28 Members—including 14 Members from this House, 7 Democrats and 7 Republicans.

Mr. Speaker, we can do something about reform. We can make the American people proud of this institution stead of having to tolerate the low esteem in which they hold us today. Let us stand up and do something. Let us create this committee today and then let us go out and show the American people that we can work together and make them proud of us.

Mr. Speaker, I urge support for the resolution. and yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, and to sum up, I yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I appreciate the opportunity to speak today in favor of the resolution Congressman GRADISON and I introduced last July, House Concurrent Resolution 192. This resolution would set up a temporary Joint Committee on the Organization of Congress. Senators BOREN and DOMENICI introduced a similar resolution (S. Con. Res. 57) in the Senate.

I would like to thank a number of people for their help. Speaker FOLEY and Minority Leader MICHEL have been very supportive. Both were instrumental in bringing this resolution to the attention of the full House.

Chairman MOAKLEY of the House Committee on Rules conducted 2 days of highly useful hearings on the resolution, enabling over 20 Members from both parties to air their views about the need for congressional reform. Representative SOLOMON, ranking Republican on the committee, also played an invaluable role in maintaining the spirit of bipartisanship that has characterized this resolution from the start.

It has been a great pleasure to work with my cosponsor, the gentleman from Ohio [Mr. GRADISON]. He has been helpful and cooperative in every way.

I also would like to thank the many Members—both Democrats and Republicans—who cosponsored and worked to pass the resolution, particularly Members of the current freshman class. They were among our earliest and strongest supporters.

1. PURPOSE OF COMMITTEE

The purpose of the proposed Joint Committee on the Organization of Congress would be to study the operations of Congress and to recommend reforms to improve its efficiency and effectiveness. The aim is to help restore public confidence in Congress by enhancing this institution's ability to respond to an increasingly complex agenda.

2. NEED FOR COMMITTEE

I believe we need to establish the joint committee for three main reasons:

First, Americans have a very low opinion of Congress. They believe it is not working well.

In poll after poll, members of the public describe Congress as inefficient, and complain of legislative gridlock. In a recent New York Times poll, only 17 percent of those surveyed approved of the way Congress is handling its job. In a recent Washington Post poll, the approval rating was just 16 percent.

Political activists and insiders have become increasingly discouraged, and academic critiques of Congress have proliferated.

Acrosss the country, candidates for Congress are calling for serious congressional reform. It is likely that a very large class of new Members will arrive in Washington this December eager to change the way this institution operates. Many, if not most, current Members of Congress share their concerns.

Too many people have simply lost faith in Congress. The joint committee would help ensure that the widespread demands for reform lead to prudent and effective action.

Second, the nature and complexity of the issues facing Congress have changed a lot since this institution was last reorganized in the early 1970's. Congress has not kept up with a changing world.

Congress now faces:

Issues of enormous scientific and technological complexity, ranging from arms control verification and environmental protection to telecommunications policy;

An increasing array of issues that are both domestic and international, and no longer fit neatly into existing organizational boundaries;

Deep-seated problems that require a longer-term perspective for policymakers;

Important new issues regarding this country's foreign and domestic policy now that the cold war is over.

Congress has not performed well in recent years. For example:

Congress seems bogged down, unable to tackle the main issues that Americans are concerned about such as jobs and crime and health care.

In the last 15 years, Congress has passed all 13 appropriations bills only once.

Since 1985, there have been three major budget agreements, all attempting to control the deficit, but the deficit has almost doubled.

Members of Congress often complain that they are poorly scheduled; that they lack the time necessary to think through difficult policy issues.

I am realistic about the limits and possibilities of reform, but I believe we can do better.

Third, as with all institutions, Congress needs to stand back, and take stock of itself from time to time. The process of reform in Congress is a continuous, evolving one. Times change, and the responsibilities and duties of Congress change as well. The last two House/Senate reform efforts took place in 1946 and 1970, based upon the work of the 1945 and 1965 congressional reorganization committees. I believe it is time for another comprehensive look at the operations of Congress.

3. STRUCTURE OF COMMITTEE

The Joint Committee on the Organization of Congress is modeled upon the successful 1945 and 1965 reform committees of the same name. Under our recommended plan, the joint committee would be composed of 28 members.

The Speaker and minority leader in the House and the majority and minority leaders in the Senate each would appoint 6 sitting Members of Congress to the committee.

The majority and minority leaders in both the House and Senate would be ex officio voting Members.

Several points about the proposed joint committee should be emphasized.

First, the joint committee would be bipartisan. The most wide-ranging reforms in recent years resulted from bipartisan committees. In particular, the 1945 and 1965 joint committees had equal majority/minority representation.

Second, the joint committee would be bicameral. Many of the problems that need to be addressed relate to the institution as a whole rather than just one Chamber. Separate House and Senate subcommittees would look at Chamber-specific reforms.

Third, the joint committee would have no legislative jurisdiction. All of its recommendations would be referred to the appropriate standing committees in the House and Senate for their consideration.

Fourth, the joint committee would be representative. The size of the proposed reform panel has been increased from 20 persons to 28, so that it would better reflect the membership as a whole.

Fifth, the joint committee would be comprised of sitting Members of Congress. In the resolution as introduced, the joint committee was to have included four non-Members of Congress in an advisory role. However, this section of the resolution was changed to keep the joint committee from becoming too large. Past reform committees and commissions composed entirely of sitting Members tended to be the most successful.

Sixth, the joint committee would include the leadership of both parties from the House and Senate to facilitate their active participation in the panel's deliberations.

Seventh, the joint committee would have a very small staff, and total costs to the House this year from the committee would not exceed $250,000. Rather than create more congressional bureaucracy, the joint committee would relay extensively on expertise in existing legislative support agencies, as well as from around the Nation.

Finally, the joint committee would be temporary. It would make its final recommendations as soon as possible, but certainly by the end of 1993, and then go out of existence.

4. SUPPORT FOR RESOLUTION

The resolution to set up the joint committee has broad, bipartisan support:

It has 254 cosponsors in the House—155 Democrats, 98 Republicans, and 1 Independent.

The cosponsors include 13 chairmen of full or select committees and 57 subcommittee chairman (and similar numbers of ranking minority members).

The Senate version has 58 cosponsors.

Representatives FOLEY and MICHEL and Senators MITCHELL and DOLE all support the resolution.

President Bush has endorsed the measure.

5. BACKGROUND RESEARCH EFFORT

The joint committee would be assisted by a wide range of organizations and foundations from both the public and private sectors. Major research efforts are now underway that would provide the joint committee and the Congress with valuable advice about possible reform alternatives and the potential consequences of these alternatives:

A joint project by the Brookings Institution and the American Enterprise Institute will get the perspectives of congressional scholars nationwide about what's wrong with Congress and what can be done to enhance the institution's capacity to govern.

Experts on Congress at the Congressional Research Service are writing some 35 briefing papers on issues that the joint committee might look at.

Work is underway at the Center for Congressional and Presidential Studies at American University, at the National Association of Public Administrators, and at the National Conference of State Legislatures, among others.

6. HOUSE REFORM EFFORTS

Reform in the House is now proceeding on several separate, but complementary, tracks:

A bipartisan task force recently examined the Internal management of the House, and the House agreed to a reorganization of its administrative operations.

The House Democratic Caucus is looking at possible changes in House rules, as it does every Congress, to be considered during the organizing caucus in December. The Democratic Study Group will also contribute to the reform effort. The House Republican Conference has identified several major reorganization topics.

The Joint Committee on the Organization of Congress would look at the larger picture of how Congress does its job. Hopefully, the panel will be set up within a few weeks, and do some preliminary work in the ensuing months, such as holding hearings and getting the input of other Members of Congress about their reform interests. Formal deliberation would begin later this year.

The joint committee may offer some interim recommendations before November 6, 1992 for consideration by the Democratic Caucus and Republican Conference. As mentioned, final recommendations would be provided no later than the end of 1993.

7. POSSIBLE JOINT COMMITTEE AGENDA

The mandate of the joint committee would be very broad. I do not have a set list of specific changes that I believe should be made. But here are some general areas the committee could look at:

Improving the ability of Congress to focus on the big issues and think longer term. This could include looking at ways to improve the agenda-setting ability of Congress, as well as reforms, such as GNP budgeting and multiyear budgets, that could help lengthen the planning horizons of Congress.

Evaluating committee jurisdictions. Major issues no longer cut neatly across organizational lines set decades ago, and important legislation often gets bogged down in a maze of overlapping jurisdictions.

Removing procedural impediments to effective legislative action. This could include everything from looking at filibusters and holds in the Senate to reviewing the three-layered authorization, appropriations, and budget process.

Improving the ability of Congress to deal with the explosion of scientific and technical information that now confronts the institution.

Reducing barriers to cooperation between the House and Senate; for example, by streamlining conference procedures.

Improving the interface between Congress and the executive branch, perhaps by considering structural changes that would enhance congressional oversight.

Increasing public understanding of the work of Congress; for example, by improving the way congressional proceedings are televised. Few institutions make less of an effort to explain themselves to their constituents than do the House and Senate.

The resolution was purposely drafted so broadly that any reform proposal could be considered. Most likely, however, the Joint Committee would focus on a few key reform areas, thoroughly examine the proposals in these areas, and then provide specific recommendations to the House and Senate committees with jurisdiction.

8. STRUCTURAL REFORM NOT PANACEA

I sometimes hear that the problems we face are not procedural or organizational, but instead reflect a lack of political will in Congress to tackle the tough issues. I also hear that these problems arise from inadequate presidential leadership, or weak political parties, or divided government.

There is some truth to these claims. The joint committee is no panacea. I am realistic about what reform can accomplish. Congress is never going to be a tidy institution or a model of efficiency. There will always be contentious debate, strong disagreements, fractious partisanship, and tedious hearings. Indeed, by acting deliberately, Congress prevents the adoption of bad legislation. And, moreover, the problems in governance in America extend far beyond Congress, to other branches and levels of government and many institutions outside government.

So I do not overestimate the importance of structural reform in Congress. But I do not underestimate it either.

Too often, inefficient procedures and structures block effective action on national issues as legislation is subjected to unnecessary obstacles and hurdles. Certainly, progress can be made in a variety of areas, from streamlining congressional rules and procedures to better informing the American people about what we do. Simply putting all the blame on political will, divided government, and the like, is a prescription to do nothing to improve the workings of Congress until constraints we do not control are removed.

More political will and less divided government would be nice. But we must deal with the situation as it is and try to make Congress as responsible as possible. There is a large consensus among Members that we should try to reform Congress. All of its problems will not be solved, but we can make progress one step at a time.

9. NOW IS TIME TO ACT

Some warn that now is not the time to consider major reforms of Congress because the institution is in such public disrepute and partisan tensions are high. I disagree. I believe that a serious reform effort is imperative.

First, despite current partisan tensions, a majority of Members of Congress have cosponsored this resolution, which explicitly provides for a bipartisan reform panel. Also, the joint committee will not make any recommendations until after the election in November.

Second, major reform can occur when the public is upset about Congress. We should remember that a landmark Legislative Reorganization Act of 1946 occurred in part because the public was angry about congressional perks and privileges. In the middle of World War II, Members of Congress voted to increase their pension benefits, as well as their access to gasoline. The public outrage was intense and immediate. The media was very critical. But the end result was one of the most significant and constructive reorganizations of Congress this century.

Third, the joint committee would have significant leverage for passing its recommendations. The American people are dissatisfied with Congress. The vast majority of House Members and Senators have endorsed the resolution calling for reform, and the effort is supported by the leadership of both parties. Most of next year's large class of freshman Members will have campaigned on a platform of reform and renewal.

We face a unique window of opportunity to consider major changes in the way Congress does business. We should take advantage of this opportunity.

10. CONCLUSION

The best way for Congress to enjoy public trust is to earn it. A systematic and thorough review of the operations of Congress can demonstrate that we are serious about improving its effectiveness. Congressional reform is, I believe, long overdue.

I do not take the view that Congress is in shambles or that it is collapsing. But we can do better. We must prepare for the challenges and opportunities of a new century.

□ 1230

Mr. SOLOMON. Mr. Speaker, if I may, I would like to reclaim the 1 minute that I yielded back.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection the gentleman from New York [Mr. SOLOMON] is recognized for 1 minute.

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me.

Let me just offer my congratulations to the gentleman from Indiana [Mr. HAMILTON] for his superb work. I just want to tell him that I came to the Congress as part of the post-Watergate class, and it is time to take a long,

hard, serious look at the operations of the Congress.

We can do far better than we have done in bringing the Congress into the 21st century. The gentleman from Indiana has the kind of credibility, the knowledge, the insight required basically to make the kind of transformation that is needed here in the Congress, to make it a much more effective instrumentality of the people.

Mr. Speaker, I thank the gentleman for his work, and I look forward to working with him in the weeks and months ahead in developing the very best recommendations we can for change around here.

And I thank again the gentleman from New York [Mr. SOLOMON] who I know shares my enthusiasm for this work.

Mr. HUGHES. Mr. Speaker, I rise in strong support of House Concurrent Resolution 192, to establish a temporary Joint Committee on the Organization of Congress. I wish to commend my colleagues LEE HAMILTON and BILL GRADISON for their outstanding work in developing this resolution and bringing it to the floor for consideration.

The need for a reorganizational study, such as this resolution proposes, is probably greater today than ever. It's no secret that in recent months, Congress has faced a barrage of criticism over the House bank, congressional perquisites, and other concerns.

In most cases, these are not new issues. Rather, they are related to services or practices which have been part of this institution for decades. Nevertheless, they are indicative of the need to do a thorough and systematic review of the past and current operations of Congress, to identify and end those practices which are no longer needed or justified.

Moreover, we need to take a good hard look at the day-to-day operations of the Congress, to develop some recommendations for improving the efficiency and effectiveness of this body.

For example we need to reexamine the committee and subcommittee structure, to try to reduce the overlapping jurisdiction and turf battles which often result in legislative gridlock, tying up even the most important legislation.

We need to consider new ways to improve the budget process, and in particular, to provide greater oversight of the tens of thousands of Federal programs which are funded each year. We also need to look at staffing levels on the Hill, and to consider new technological innovations which might help us do a better job of addressing the myriad of complex issues and demands which Congress and its individual Members face every day.

Mr. Speaker, it has been more than 20 years since the last committee was formed to study the structure and operation of Congress. I am confident that this resolution will go a long way toward improving the effectiveness of Congress, and just as importantly, toward rebuilding public confidence in our elected officials and institutions of government.

Mr. BACCHUS. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 192, which will establish a Joint Committee on the Organization of the Congress. I applaud the efforts of our colleagues, Mr. HAMILTON and Mr. GRADISON, on behalf of this resolution. I believe that approval of this resolution is an important step toward restoring public confidence in the Congress and toward making the Congress more responsive to the needs and realities of our country today. The Joint Committee on the Organization of the Congress will allow us to take a bipartisan, deliberative approach to streamlining and modernizing our committee structure and improving the work of the Federal Government as a whole.

This legislation explicitly calls for an examination of the organization and operation of each House of the Congress; the relationship between the two Houses; and the relationship between the Congress and the executive branch. I hope that the Joint Committee on the Organization of the Congress interprets this mandate broadly to include two reforms that I believe are critical to regaining the people's trust.

One reform pertains to open meeting and open record rules as they are applied to committees of the Congress, and the other reform pertains to financial disclosure requirements for Members of Congress and candidates for Congress. While there have been laudable improvements in these areas in recent years both our open meeting and financial disclosure rules are riddled with loopholes that tend to erode public confidence in this body. Closing these loopholes and increasing the openness of the Congress, in my view, are essential to our efforts to regain the trust and support of the people we represent.

Let me first address the issue of our open meeting rules. The Congress in the last two decades has made remarkable progress in opening up hearings and markups that previously had routinely been closed to the public. However, our current rules still contain a giant loophole in that committee members can vote to close meetings for any reason. Mr. ZIMMER and I have filed legislation, House Resolution 310, to allow meetings to be closed only for two reasons: if disclosure of matters to be considered would endanger the national security; or if evidence or testimony at an investigative hearing would defame, degrade, or incriminate any person.

I believe that the public's right to know is fundamental and overrides any other reason for a closed meeting. After all, it is the public's business we are conducting. Secrecy can be especially dangerous at a time when there is so much public concern that government is working for special interests and not for the people. One way to help restore public faith in the integrity and accountability of the Congress is to improve our rules governing open meetings and open records.

My second concern involves our financial disclosure rules. Currently, members of Congress are required only to list assets and liabilities within broad categories of value. The ranges are so broad, in fact, that it is impossible to tell from a report whether a member received a large increase in income from particular sources. I have filed legislation, H.R. 2348, cosponsored by Mr. ZIMMER, to require much more detailed financial disclosure by Members and candidates for Congress. This bill calls for the listing of exact amounts and sources of all assets and liabilities. It also would require Members and candidates to file an annual statement of net worth and copies of their tax returns from the previous year.

These changes would provide the public with information that ensures that Members of Congress are not benefiting financially from holding office. The public deserves to know what we own, what we owe, and who we owe. Only then will they know that we are working for them and not for ourselves or for some special interests.

When we appeared before the Rules Committee last week, Mr. ZIMMER and I were assured by the chairman and the ranking Republican member that they considered the mandate of the joint committee to be broad enough to consider these two reform proposals. I hope that the Joint Committee on the Organization of the Congress concurs and includes these two proposals in its deliberations. I look forward to hearing the committee's report and to enacting reforms to make the Congress more responsive to the needs of our country today.

Mr. HOAGLAND. Mr. Speaker, the bill before us today, House Concurrent Resolution 192, establishing a committee to examine the organization of Congress, recognizes that we, the Congress, need to take a hard look at the way we work—and do not work. It recognizes that all is not well in Congress and that change must come from within. I hope to be a part of the reform effort, following on a Nebraska tradition started by former Nebraska Representative and Senator George Norris, who led several reform efforts to bring fairness to Congress' proceedings.

Today's bill is not the first effort to reform Congress. We have, with my support, closed the House bank. We have, with my support, created a new House Administrator position. The House has passed, with my support, campaign finance reform legislation, limiting the influence of special interests.

But there are many additional areas we must examine. We must look at the number and jurisdiction of committees, particularly those that have unnecessary jurisdictional overlap. We must analyze the scheduling of legislative business in Washington. What is the right balance to get the country's work done and to be in our districts attending to our constituents' needs? We must discuss how the Congress' agenda is set and whether an agenda-setting mechanism can be created to better respond to the Nation's problems. And we must improve our outreach to our constituents, particularly in explaining what the Congress is doing and why. While cable television has brought Congress into the living rooms of many Americans, our procedures and terminology must seem arcane and it is difficult for many people to understand congressional deliberations. How can we translate better?

As the legislative body created by our Constitution, we are the institution to which many new democracies are looking as a model. There are many good features of the Congress. In many respects, Congress is a better institution than it was two decades or four decades ago. Congress must grapple with many complex problems not envisioned 200 years ago. Those drafting the Constitution did not

have to contemplate hazardous waste, nuclear weapons, aeronautical research, intermodal transportation, or endangered species. Nonetheless, we are all troubled when experienced, effective Members take to the microphones and lament the ineffectiveness of the Congress. What is driving people out? Do those resignation and retirement announcements signal a widespread infection in the system? Indeed, one of the reasons I am supporting this bill is to help in the search to answer that question and to help mold an institution that attracts the best and most committed of our citizens to public service.

Real change is never easy, but real change is needed. This year the public is demanding change; the public is demanding institutions that address their everyday problems. With many new Members entering the next Congress, the time is ripe to capitalize on the new ideas they will bring and to implement reforms.

Today's vote represents a big step toward making the Congress the dynamic, responsive institution that the writers of our Constitution intended.

Mr. COSTELLO. Mr. Speaker, it's time for serious changes to the way Congress operates.

That's the message that the House expressed today. By an overwhelming vote, we passed a bill—House Concurrent Resolution 192—to make our Congress more effective, so that it responds to the real needs of this country and the American people.

Last October I cosponsored the legislation passed today by the House. This bill creates a committee to study how Congress operates, to make it more responsive to the American people. My hope is that this reform will accomplish for the institution what I have tried to do for the people of my own district, by coming home every weekend, holding townhall meetings and having a congressional office in every county in the congressional district—make it more responsive to our citizens.

Unfortunately, Congress as a whole has lost touch with the needs of average Americans. People are frustrated by the gridlock in Washington, the huge budget deficits, and the lack of attention to important issues, like health care, education, and our economy. That is why House Concurrent Resolution 192 is so important.

In 1946, when Congress studied its structure, it made dramatic changes to its operations, by cutting in half the number of committees and requiring the registration of lobbyists. And, in 1970, Congress made its operations more open to the public.

It is my hope that the legislation passed today will result in even more dramatic changes. By streamlining our legislative process, and studying ways to work more effectively with the executive branch, we can make historic changes in our Congress to enact reforms to make it more accountable to our Citizens.

Mrs. OAKAR. Mr. Speaker, I rise in support of House Concurrent Resolution 192, the measure which will create a temporary House-Senate committee to study and recommend reforms in the operation of Congress.

House Concurrent Resolution 192 would create an ad hoc Joint Committee on the Organization of Congress to study and recommend reforms in the operation of Congress. In general, the committee would look for ways to improve the overall operation of Congress—simplify its operations, improve its relationship with, and oversight of, other branches of the Government, and improve the orderly consideration of legislation.

While the main task of the committee would be to find reforms that apply to both the House and Senate, separate House and Senate subcommittees would be authorized to look at House-specific reforms.

Mr. Speaker, I became chair of the Subcommittee on Personnel and Police at the beginning of the 101st Congress. Since that time, the subcommittee has been instrumental in instituting reforms related to the House of Representatives and the U.S. Capitol Police Force.

For example, based upon the Speaker's request, the subcommittee, in consultation with the Employee Assistance Office [EAP] drafted a drug and alcohol policy booklet and made recommendations for its implementation for employees of the House.

The subcommittee conducted two extensive food quality surveys of the House restaurant system, and then provided recommendations for its improvement. The subcommittee reviewed the policies, rules, and procedures for the employees of the House beauty shop and House barber shop.

In reference to the Capitol Police, the subcommittee held a hearing in March 1990, to hear from the members of the police force. It was clear that reforms were necessary in order to place the Capitol Police on a more level playing field with other surrounding law enforcement agencies. The subcommittee recommended the passage of the Capitol Police Retirement Act (Pub. L. 101–428); created the position of Director of Employment Practices or Ombudsman; reviewed and revamped the Capitol Police grievance procedure; made special technician positions competitive; instituted sensitivity training and educational assistance programs; created 114 civilian position; and, instituted pay compression.

Finally, Mr. Speaker, pending before the Committee on House Administration is H.R. 5269, a measure cosponsored by my colleagues from both sides of the aisle, which will accomplish several things. The Capitol Police's geographic jurisdiction will be expanded; their arrest authority will be enhanced; there will be a change in the composition of the Capitol Police Board; a joint payroll will be established, and a lump sum payment will be provided for retiring members of the Capitol Police Force.

Mr. CLAY. Mr. Speaker, I rise to address House Concurrent Resolution 192 which will establish a temporary House-Senate committee to study and recommend reforms in the operation of Congress.

Under the resolution, a subcommittee comprised of only the Members representing the House may be established to consider and recommend proposals relating solely to the House. The House Members of the committee are authorized to report to the House Democratic caucus and House Republican Conference no later than November 6, 1992, any recommendations for changes in the House rules that they may deem appropriate in connection with the organization of the 103d Congress.

These provisions of the resolution provide a unique opportunity to address one of the more frustrating problems that I and other chairmen of authorizing committees of the House are forced to deal with each year. This problem is the persistent practice of the Senate of including legislative provisions in general appropriation bills. This practice, while clearly contrary to the rules of the House, nevertheless often succeeds in undermining the normal legislative process by circumventing the jurisdiction of the authorizing committees. The Members of the House who are most knowledgeable and experienced in a given area of the law are deprived of the opportunity to fully consider and shape the proposal in question.

Our colleague, Chairman JOHN DINGELL, has been pressing the need to address this problem over the past several years and has developed a proposal which, I believe, represents a reasonable approach to dealing with this issue. I strongly urge the House Members of the joint committee to give serious consideration to Chairman DINGELL's proposal and to any other proposal that seeks to remedy this frustrating problem.

Another area of concern to me is the suggestion that wholesale changes must be made in the procedures for considering commemorative resolutions. Critics argue that the Congress wastes too much valuable time on such insignificant matters. I disagree.

As chairman of the committee that has jurisdiction over holidays and celebrations, I have been intimately involved in this body's consideration and establishment of commemorative observances. Over the years, our committee has established an effective, fair, and efficient method of considering these resolutions. Resolutions are not even brought before the House unless cosponsored by a majority of the Members of the House.

I firmly believe the present system of handling commemorative resolutions serves the best interests of all the Members of the House, and I would strenuously oppose any proposal that would significantly alter the present procedures or that would divest our committee of its jurisdiction over such resolutions.

Mr. BEREUTER. Mr. Speaker, this Member wishes to express his commendations and appreciation to the distinguished gentleman from Indiana [Mr. HAMILTON] and to the distinguished gentleman from Ohio [Mr. GRADISON] for introducing House Concurrent Resolution 192 which provides for the establishment of a Joint Committee on the Organization of Congress to conduct a complete study of the organization and operation of Congress.

In addition, this Member wants to extend appreciation to the chairman of the Rules Committee, the gentleman from Massachusetts [Mr. MOAKLEY], and the ranking minority member of the Rules Committee, the gentleman from New York [Mr. SOLOMON], for bringing this measure to the House floor.

As a cosponsor of this legislation, this Member rises in support of this measure despite some serious misgivings regarding the expansion of the Joint Committee to 28 members. It is simply too large. This Member would have preferred the Hamilton-Gradison smaller size

of only 16 members. There is an old saying that "too many cooks spoil the broth," and it's this Member's fear that that's what we are doing by increasing the coordination, convening, and inconvenience problems through a much larger joint committee. This Member hopes the legislation is finally moving because of a sincere effort to reform Congress instead of a phony embrace of the excellent Hamilton-Gradison initiative. Are we really going to reform or are we just paying lipservice to a public that demands reform?

Clearly, real reform is sorely needed in the way the U.S. House of Representatives conducts its business. This Member has supported numerous congressional reform efforts and has cosponsored a number of reform measures that focus primarily on the House of Representatives during numerous sessions of Congress—before it became popular to be a reformer.

Many have argued that relatively minor changes in the management of the day-to-day operations of the House are sufficient. However, a few simple housekeeping measures are not sufficient. This Member believes that the House must change the very way it legislates. The tasks assigned to the Joint Committee go to the very heart of the House's constitutional duties to determine its own rules of proceeding. Until these fundamental changes in the House are adopted, real reform of the House of Representatives will not be achieved.

However, this Member believes that House Concurrent Resolution 192 is indeed an important step toward real Congressional reform, and urges his colleagues to support this legislation.

Mr. PENNY. Mr. Speaker, I support creation of the so-called Hamilton-Gradison Reform Commission. Certainly, a bipartisan panel can make an important contribution to the debate regarding reorganization of the operations of the Congress.

Fundamentally, this Congress is not organized for action. There are too many committees and too much overlap of committee jurisdiction. There is seldom a set agenda and almost never are deadlines met—even those established by law.

Little coordination exists between authorizing and appropriating committees. Even less coordination occurs between the House and the Senate.

The same issues—and the same witnesses—may be brought before as many as 6 or 10 committees. That represents an unnecessary and expensive duplication and only serves to confuse those who attempt to understand how this place works. The obvious answer is that in many ways the legislative process does not work.

And so, yes, we need reforms in the way this Congress is organized. This Commission can serve as a useful forum to discuss and review various proposals which would improve the operations of Congress.

My only objection is that the final report date for this Commission is December 1993. We need to act sooner. Frankly, most of us are already aware of the kinds of reforms that are needed. We should take action to implement significant reforms in December 1992 when we meet in caucus to organize for the 103d Congress. I trust that we can and will take this earlier action on reform and I intend to devote my efforts toward that end.

Ms. SNOWE. Mr. Speaker, I rise to express my support for House Concurrent Resolution 192, to establish a Joint Committee on the Organization of Congress.

As a cosponsor of this measure, I am pleased that the Rules Committee was able to bring this resolution to the floor with bipartisan support. Congressional reform can only come from the inside, and I believe that the committee established in this bill will provide us with the ability to carefully and comprehensively make changes in the system to make it more accountable to the public and more efficient.

As the sponsor of a bill, House Resolution 418, to limit the number of members who can serve on a committee, I am hopeful that the Joint Committee will make an effort to reform the committee process by cutting the size of both the committees and the staff. I am also a cosponsor of House Resolution 419, introduced by the distinguished minority leader, Representative MICHEL, that includes several good ideas on reforming the committee process.

House Concurrent Resolution 192 is an important step in improving the way in which we do business. I hope my colleagues will join me in supporting its passage.

Mr. WELDON. Mr. Speaker, as a cosponsor of House Concurrent Resolution 192, I rise today to reaffirm my support for this measure and urge my colleagues to join in an overwhelming endorsement of this long overdue legislation.

Since coming to office, I have been speaking out against business as usual on Capitol Hill and abuses of the legislative process. It was easy to ignore those calls when they were only coming from Members of the minority party. But now the American people have caught on to the act and are demanding reform. It is time to act. While most of us realize that House Concurrent Resolution 192 is not a complete solution to the public confidence crises, nor is it necessarily the last word on reform in this body, it is a positive step in the right direction.

Enactment of this legislation will provide us with the framework to put aside our partisan differences and work for reforms that benefit our system and the people we serve. For too long, we have taken our frustration to the well of this floor, to the press, and to our own constituents. But those piecemeal efforts have not produced the kind of comprehensive overhaul necessary to ensure fairness and democracy in this body. House Concurrent Resolution 192 will at last bring together Members of all parties to tackle a comprehensive overhaul of House operations.

Passage of this legislation will give us the steam we need to get the ball rolling on institutional reform. The first step is to get Members involved in reform. The second step, in my opinion, is to give citizens a greater role in this process.

Recently, I introduced a measure along with my Democratic colleague from New Jersey, Mr. ANDREWS, which would establish a 14 member Commission on Congressional Ethics composed of private citizens, while eliminating most responsibilities of the House Committee on Standards of Official Conduct. Not only will this remove Members' conflict of interest in policing their colleagues, but it will give people a role in shaping all administrative operations of the House. I believe the best way to reform the people's House is to get more of the people involved. I will press for adoption of this proposal in the House and before the newly established Joint Committee on the Organization of Congress, and urge my colleagues to vote for House Concurrent Resolution 192 as a first step toward achieving this goal.

Mr. DINGELL. Mr. Speaker, I take this opportunity to rise to speak on the adoption of this resolution, which I generally support. I am a cosponsor of the resolution and I believe it has been improved since its original introduction.

I particularly want to commend the chairman of the Rules Committee, Congressman MOAKLEY, and the other members of the committee for making these improvements, and in taking into consideration the comments I expressed to the Rules Committee—particularly in deleting provisions for subpoena power since this is a study committee constituted to make recommendations, and not to conduct investigations.

I note that the resolution does not indicate clearly what rules apply to the joint committee. I presume that the House and Senate rules, as appropriate, would apply to the joint committee and that such rules, practices, and precedents of the joint committee would not be inconsistent with the rules and precedents of either House and the Democratic caucus.

Despite these improvements in the resolution, I remain concerned about its breadth. This joint committee could study such a wide range of matters that I must question whether it will effectively and meaningfully improve the great institution of the House of Representatives and the entire Congress. Indeed, I think the resolution and the joint committee should concentrate on matters and procedures involving both Houses that can be improved to facilitate our consideration of appropriations and legislation. I strongly urge that the committee not get bogged down in trying to deal with jurisdictions of the committees of either House or in the administration of the Congress.

As for the question of the relationship between the Congress and the executive branch, I do not understand what this committee will examine, taking into consideration our respective duties and powers under the Constitution.

Many of us over time have advocated reform of the House of Representatives and of the Congress. In most cases, our support for reform has been motivated by a desire to improve the functioning of the body. I believe that was the clear objective of many of those who came to the Congress in the 1970's and sought reform following the Watergate scandal. As a younger Member, I was part of the reform in 1970 and 1974, and I believe we did much to improve this institution and to ensure that real policy changes could be achieved for the benefit to our Nation.

Prior to 1970, many environmental matters were considered only by the Interior and Insular Affairs Committee and Merchant Marine and Fisheries Committee. There was no cross-checking by other committees. Indeed, that process allowed the then-chairman to bot-

tle up many environmental and other bills. The reforms of the 1970's changed that. They helped to spring loose environmental, health, and safety bills, as well as consumer bills that before this rarely saw the light of day. Some of this progress derived from jurisdictional changes. Some came from changes in chairmen. Some resulted from a change in the Speaker's ability to refer bills jointly and sequentially. These changes also encouraged greater oversight by the Congress. All improved the body and helped in the enactment of major legislation, without undoing the protections afforded by the House rules to the minority of the House—Democrat or Republican—opposed to legislation. As we all know, it is easier to block legislation that to pass it. That is as it should be to protect the public interest in a democratic process.

At the same time, some believe we may have made it more difficult for the leadership of the Congress, on the majority and minority side, to lead. I am concerned that in the rush to adopt this resolution, driven not by real concern for policy, but by such management problems as the House bank and the post office we may, once again, further weaken the ability of the leadership of both sides of the aisle to lead. I hope that is not the case.

I am particularly concerned that this resolution does not adequately recognize that the responsibility for running the Congress and for moving legislation lies with whichever party is in the majority. I think it is useful, and potentially beneficial, that we achieve a bipartisan consensus for changes in our procedures and our organization to the greatest extent possible. However, in the final analysis the responsibility lies with the majority party. Those who are in the minority may not accept the responsibility as proper. But if the majority assumes that responsibility, it must have the powers to exercise that responsibility effectively and fairly.

In this regard, I note that the new committee will be evenly composed of Republicans and Democrats, which is unusual for most congressional committees. Indeed, I had hoped that the resolution would have been further modified to provide for more Members from the majority party. That could make it difficult to achieve consensus. I understand that my Republican colleagues would oppose that. I do not believe an even number of Members from each party is sound or workable. That could lead to deadlock. I am, however, willing to be proven wrong and look forward to working with the House chairman who, I hope, will be strong and steeped in the knowledge of the history of the House.

In this regard, I note with great interest that the ranking Republican on the Rules Committee is hopeful that this joint committee will make recommendations to our respective caucuses this fall with the goal of addressing rule changes next December. He suggests that we must "reduce subcommittees, staff, and multiple bill referrals, and give Members fewer and more focused responsibilities if we are to legislate in a truly conscientious, deliberative, and responsive fashion."

That suggestion may well be appropriate and one that deserves careful study. However, I believe Members from legislative or appropriations committees who must, day in and day out, address many thorny legislative and oversight problems for which consensus is often difficult to obtain ought to be consulted about such a suggestion and its impact. Clearly, we should look to see whether we have too many subcommittees, and whether our referral system needs some responsible modification without going back to the time when legislation could be bottled up in one committee. However, I do not believe, in this election year and in these few election months remaining, that we will be ready in December to address those difficult problems through this committee. Too many Members will be unable to focus their attention because of the press of legislative business and the election. Again, however, I am open to persuasion.

I observe that the Rules Committee urges that the joint committee "consult" frequently with that committee. I think that is good advice. I suggest that the joint committee follow that advice and also consult with the other standing committees as well.

In my comments to the Rules Committee, I noted that about a dozen years ago we established with great enthusiasm the "Patterson committee" to do much of what this joint committee seeks to do, but only for the House. That committee sought to be independent and to ignore the standing committees. When the product of that committee reached the House, the enthusiasm for its reform efforts dwindled and opposition to its proposals grew significantly, due in large part for its failure to regularly consult with the committee chairmen and their members.

In closing, this Institution has a long and glorious history. I take great pride in having had the honor of serving my constituents here for so many years, to have followed my father who labored in the Congress. I hold great respect and affection for this deliberative body, the people's House.

It has its warts and its problems, but it has survived and it has had many fine hours—most recently during the debate over the United States entering into the war with Iraq. I urge my colleagues to be wary of those who want to dramatically change the House or Congress. Some change may be appropriate. Every institution deserves careful scrutiny from time to time, and that is why I support this resolution and want to be an active part of this process. However, drastic changes at a time when the Congress is under attack by those who include partisan critics with little tenure or knowledge of the institution could well be disastrous for the public interest. They are not likely to change the public's image of the Congress; in fact, they would seek, for partisan purposes, to further tarnish the Congress' image. A scalpel, not a meat ax is needed. I hope all agree.

Ms. LONG. Mr. Speaker, I support the resolution and commend by colleague from Indiana [Mr. HAMILTON], the distinguished dean of our delegation for his efforts in this regard.

We know that confidence in government is low. It is low because a large number of people believe that government does not address their needs. Confidence is low because the government too often imposes cumbersome restrictions on individuals and businesses. And confidence is low because people believe their taxes are too high.

Increasingly, I am asked why government does not address the important issues of the day—the economy, health care reform, or Federal spending.

Part of the reason that government does not move more rapidly is inherent in our democracy. Our Founding Fathers designed it that way. They did so in order to ensure a full airing of views prior to enacting substantive changes. This deliberative process is fully in effect when one party controls the Congress and another party controls the executive branch. There are positive and negative aspects of this situation. I believe that one of the negative aspects is the inability to sometimes move legislation in a timely manner—some would call this a text book example of gridlock.

But, just because we have this situation doesn't mean that we should not—as the legislative body—seek to ensure that the operations of the Congress move legislation as thoughtfully and swiftly as possible. Which brings us to the resolution at hand.

Some of the problems that bog down our legislative process are also inherent in a democratic system where 535 Members of Congress may have 535 different opinions on an issue. However, the operations of Congress could be reformed to run more efficiently and effectively.

Since the Congress was first created, the diversity and complexity of the issues it considers has increased dramatically. And throughout its history, the Congress has attempted to adapt to these changes through a series of congressional reforms. Thomas Jefferson wrote in a letter to James Madison that "The tree of liberty must be refreshed from time to time * * *" It is time, again that we refresh that tree of liberty so that it is better suited to the current climate.

I am one Member who believes that we cannot continue to cite examples of waste and bureaucracy in other areas of the Federal Government without subjecting ourselves to the same scrutiny. We should serve as examples of good government by passing this resolution, evaluating the current process, and implementing needed recommendations in a timely manner.

However, we should not look at this measure as a means to greatly reduce costs in the legislative branch. A report determined that between 1979 and 1989, appropriations to the legislative branch decreased by 3 percent, while appropriations to the executive branch increased by 28 percent, and appropriations to the judicial branch increased by 66 percent.

While we may continue to have differences between the executive branch and the Congress, which hinder the swift enactment of legislation, we must ensure that the Congress—as an institution—operates in the most efficient and effective manner possible. This resolution moves us forward in this regard, and I strongly urge its passage.

Mr. REED. Mr. Speaker, I rise today in support of House Concurrent Resolution 192, legislation to establish a Joint Committee on Organization of Congress. I am a cosponsor of this long overdue measure and believe that it deserves the support of Members from both sides of the aisle.

In my conversations with people across Rhode Island, one message comes through

loud and clear: a mandate for change in policy and politics as usual. I doubt that the call for new direction is any less in most other States.

But real change means a willingness by Congress to look seriously at the way we do business—the methods of crafting policy and the process of reviewing and acting on legislative proposals. The resolution before us today takes that first step. This measure calls for a thorough study of the organization of Congress and directs a bipartisan committee to make recommendations on simplifying operations and improving orderly consideration of legislation.

It has been more than 25 years since Congress thoroughly examined its own operations through the joint committee. In the years since, both bodies have made periodic changes in administrative and legislative operations. But now, in this session of Congress, more than 250 bills, covering 75 different topics that touch on some aspect of congressional organization have been introduced either in the House or Senate.

The leadership in this House made an effort to assure a bipartisan approach to this review. I would encourage the committee to be exhaustive in their inquiry and innovative in their recommendations. Such proposals may be bold, but the level of frustration with Government calls for boldness. As I've stated before, if we are going to make the tough decisions required to control the deficit, create jobs, and reform the current health care system, Congress must first get its own house in order.

I commend Mr. HAMILTON and Mr. GRADISON for their leadership and ask my colleagues to support this resolution.

Mr. SANTORUM. Mr. Speaker, I have been down to this floor many times calling for reform of the way the House is operated. This resolution is a step in the right direction. I think this day is long overdue.

I fully support this resolution, especially the provision that authorizes a report to this body by November. We should not have to wait until next year or the year after to reform the way the House is run. In a few months there will be over 100 new Members arriving in Congress. They will demand change.

We have a unique opportunity to provide a framework for that change. A framework that will make Congress work better, eliminate government waste and mismanagement, and make Congress accountable to the American people. For many months, the Republican Members of the freshmen class have been calling for the reform of Congress. During this time, we have had efforts underway to provide a basis for this reform. I submit this report from the Congressional Research Service [CRS] as the first installment in our effort to provide for the substantive reform of the House of Representatives.

Last winter, we formally requested IRS to prepare this study of selected congressional reform issues. This is the product of that request and contains a wealth of information on congressional reform. The study addresses the House committee system, floor procedures, management and administration, and staffing and allowances. We are certain that the study will establish a starting point for serious and significant reform.

The unique features of this study are the concise statement of each issue and the many options provided for reform. For each topic, this report provides a summary paragraph describing the current status of the issue; a list of possible options for reform; citations to the 102d Congress proposals on the topic; and selected reference items.

Many Members of Congress are calling for immediate reform in response to the lagging timetable of current efforts in the House of Representatives. It is essential that we provide some constructive proposals to fundamentally reform the House before the beginning of the next Congress. We will address many other potential areas of reform over the next few months. We have established a foundation with this study and are continuing to build a comprehensive package timed for November 1992. In addition, it is our intention that these efforts will produce a congressional reform platform for incoming Members of Congress in the class of 1993. This platform will provide the framework for organization of the 103d Congress.

In the next few months, I will provide a concise pro-con analysis on each of the options listed in this study. Additional reform issues still need to be addressed, such as: ethics, scheduling, legislative-executive relations, the budget process, and oversight.

Mr. KYL. Mr. Speaker, the Hamilton-Gradison resolution is a good place to start. But it is only that: A starting point. Congress must require the committee to report promptly, before the November elections. The American people deserve to hear how their respresentatives plan to handle congressional reform before they cast their votes.

Moreover, the House should immediately pass the Michel resolution. This would:

Create a chief financial officer to oversee the Post Office and other administrative functions;

Cut committee congressional staff by 50 percent;

Apply to Congress existing employment laws—from which Congress exempted itself. These include the National Labor Relations Act, the Civil Rights Act of 1964, the Equal Pay Act of 1963, and many others;

Prohibit the use of franking mail outside a Member's district; and

Ensure open debate by limiting the use of rules which curtail popular amendments.

It is only by passing comprehensive reforms like these that Congress can regain the confidence of the American people. It would be a travesty if the Hamilton-Gradison committee were used as a way to avoid reform rather than enact it.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 481, the previous question is ordered on the concurrent resolution and on the committee amendment in the nature of a substitute.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the concurrent resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 412, nays 4, not voting 18, as follows:

[Roll No. 205]

YEAS—412

Ackerman	de la Garza	Herger
Allard	DeFazio	Hertel
Allen	DeLauro	Hoagland
Anderson	DeLay	Hobson
Andrews (ME)	Dellums	Hochbrueckner
Andrews (NJ)	Derrick	Holloway
Andrews (TX)	Dickinson	Hopkins
Annunzio	Dicks	Horn
Anthony	Dingell	Horton
Applegate	Dixon	Houghton
Archer	Donnelly	Hoyer
Armey	Dooley	Huckaby
Aspin	Doolittle	Hughes
Atkins	Dorgan (ND)	Hunter
AuCoin	Dornan (CA)	Hutto
Bacchus	Downey	Hyde
Baker	Dreier	Inhofe
Ballenger	Duncan	Ireland
Barnard	Durbin	Jacobs
Barrett	Dwyer	James
Barton	Dymally	Jefferson
Bateman	Early	Johnson (CT)
Bellenson	Eckart	Johnson (SD)
Bennett	Edwards (CA)	Johnson (TX)
Bentley	Edwards (OK)	Johnston
Bereuter	Edwards (TX)	Jones (NC)
Berman	Emerson	Jontz
Bevill	Engel	Kanjorski
Bilbray	English	Kaptur
Bilirakis	Erdreich	Kasich
Blackwell	Espy	Kennedy
Bliley	Evans	Kennelly
Boehlert	Ewing	Kildee
Boehner	Fascell	Kleczka
Borski	Fawell	Klug
Boucher	Fazio	Kolbe
Boxer	Feighan	Kolter
Brewster	Fields	Kopetski
Brooks	Fish	Kostmayer
Broomfield	Flake	Kyl
Browder	Foglietta	LaFalce
Brown	Ford (MI)	Lagomarsino
Bruce	Ford (TN)	Lancaster
Bryant	Frank (MA)	Lantos
Bunning	Franks (CT)	LaRocco
Burton	Frost	Laughlin
Bustamante	Gallegly	Leach
Byron	Gallo	Lehman (CA)
Callahan	Gaydos	Lehman (FL)
Camp	Gejdenson	Lent
Campbell (CA)	Gekas	Levin (MI)
Campbell (CO)	Gephardt	Levine (CA)
Cardin	Geren	Lewis (CA)
Carper	Gibbons	Lewis (FL)
Carr	Gilchrest	Lewis (GA)
Chapman	Gillmor	Lightfoot
Clay	Gilman	Lipinski
Clement	Gingrich	Livingston
Clinger	Goodling	Lloyd
Coble	Gordon	Long
Coleman (MO)	Goss	Lowery (CA)
Coleman (TX)	Gradison	Lowey (NY)
Collins (IL)	Grandy	Luken
Collins (MI)	Green	Machtley
Combest	Gunderson	Manton
Condit	Hall (OH)	Markey
Conyers	Hall (TX)	Marlenee
Cooper	Hamilton	Martin
Costello	Hammerschmidt	Martinez
Coughlin	Hancock	Matsui
Cox (CA)	Hansen	Mavroules
Cox (IL)	Harris	Mazzoli
Coyne	Hastert	McCandless
Cramer	Hatcher	McCloskey
Cunningham	Hayes (IL)	McCollum
Dannemeyer	Hayes (LA)	McCrery
Darden	Hefley	McCurdy
Davis	Henry	McDade

McDermott	Pickle	Snowe
McEwen	Porter	Solarz
McGrath	Poshard	Solomon
McHugh	Price	Spence
McMillan (NC)	Pursell	Spratt
McMillen (MD)	Rahall	Staggers
McNulty	Ramstad	Stallings
Meyers	Ravenel	Stark
Mfume	Ray	Stearns
Michel	Reed	Stenholm
Miller (CA)	Regula	Stokes
Miller (OH)	Rhodes	Studds
Miller (WA)	Richardson	Stump
Mineta	Ridge	Sundquist
Mink	Riggs	Swett
Moakley	Rinaldo	Swift
Molinari	Ritter	Synar
Mollohan	Roberts	Tallon
Montgomery	Roe	Tanner
Moody	Roemer	Tauzin
Moorhead	Rogers	Taylor (MS)
Morella	Rohrabacher	Taylor (NC)
Morrison	Ros-Lehtinen	Thomas (CA)
Mrazek	Rose	Thomas (GA)
Murphy	Rostenkowski	Thomas (WY)
Murtha	Roth	Thornton
Myers	Roukema	Torres
Nagle	Rowland	Torricelli
Natcher	Roybal	Towns
Neal (MA)	Russo	Traficant
Neal (NC)	Sabo	Unsoeld
Nowak	Sanders	Upton
Nussle	Sangmeister	Valentine
Oakar	Santorum	Vander Jagt
Oberstar	Sarpalius	Vento
Obey	Savage	Visclosky
Olin	Sawyer	Volkmer
Olver	Saxton	Vucanovich
Ortiz	Schaefer	Walker
Orton	Scheuer	Walsh
Owens (NY)	Schiff	Waters
Owens (UT)	Schroeder	Waxman
Oxley	Schulze	Weber
Packard	Sensenbrenner	Weiss
Pallone	Serrano	Weldon
Panetta	Sharp	Wheat
Parker	Shaw	Williams
Pastor	Shays	Wilson
Patterson	Shuster	Wise
Paxon	Sikorski	Wolf
Payne (NJ)	Sisisky	Wolpe
Payne (VA)	Skaggs	Wyden
Pease	Skeen	Wylie
Pelosi	Skelton	Yates
Penny	Slaughter	Yatron
Perkins	Smith (FL)	Young (FL)
Peterson (FL)	Smith (IA)	Zeliff
Peterson (MN)	Smith (NJ)	Zimmer
Petri	Smith (OR)	
Pickett	Smith (TX)	

NAYS—4

Abercrombie	Rangel
Gonzalez	Washington

NOT VOTING—18

Alexander	Hefner	Quillen
Bonior	Hubbard	Schumer
Chandler	Jenkins	Slattery
Crane	Jones (GA)	Traxler
Glickman	Moran	Whitten
Guarini	Nichols	Young (AK)

□ 1257

Mr. WASHINGTON changed his vote from "yea" to "nay."

Mr. LAGOMARSINO and Mr. GILCHREST changed their vote from "nay" to "yea."

So the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORAN. Mr. Speaker, during rollcall vote No. 205 on House Concurrent Resolution 192 I was unavoidably detained. Had I been present I would have voted "yea."

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Concurrent Resolution 192, the concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CONCERNING 25TH ANNIVERSARY OF REUNIFICATION OF JERUSALEM

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 113) concerning the 25th anniversary of the reunification of Jerusalem, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I do so to afford the gentleman from Indiana [Mr. HAMILTON] an opportunity to explain the resolution.

Mr. HAMILTON. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Indiana.

□ 1300

Mr. HAMILTON. Mr. Speaker, I rise in support of Senate Concurrent Resolution 113, a resolution concerning the 25th anniversary of Jerusalem in 1967.

The resolution is similar to House Concurrent Resolution 316 which was introduced by my colleagues on the Committee on Foreign Affairs, Mr. SOLARZ and Mr. GILMAN of New York. The resolution was modified slightly during consideration in the Senate. The small changes were acceptable to the House sponsors. I commend my colleagues for their leadership on this resolution.

It is important to recognize what this resolution is and what it is not. This resolution recognizes important facts. It recognizes the progress which has occurred in Jerusalem since the city was reunified. It recognizes the importance of Jerusalem for peoples of the world's three great monotheistic religions—Judaism, Christianity, and Islam. It recognizes the importance of maintaining the unity of the city and access to it for all religious groups. Free and fair access for all religious groups is essential in this historic and sacred place.

Finally, this resolution is a tribute to the life and work of Mayor Teddy Kolleck, whose leadership in Jerusalem over many years has proved so vital. Jerusalem cannot be removed from the political conflicts of the Middle East, but Mayor Kolleck over many years has tried to keep the city an island of calm in a sea of conflict. Mayor Kolleck has devoted his life to religious tolerance, reconciliation, and maintaining Jerusalem as a place of personal reflection and worship.

It is also important to recognize what this resolution is not. This resolution does not address issues which must be addressed in peace talks. It does not prejudge what can or should happen in those peace talks. The resolution focuses on religious rights and their preservation in the city. The resolution does not deal with political rights, which is a subject for the parties in Middle East peace talks. A comprehensive peace in the Middle East must deal with the political issues involving Jerusalem.

Mr. Speaker, I urge the adoption of this resolution.

Mr. BROOMFIELD. Mr. Speaker, further reserving my right to object, I yield to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, this resolution, which enjoys broad bipartisan support, takes note of a great and historic event which occurred 25 years ago this month. I am referring, of course, to the reunification of Jerusalem as a result of which members of all the great religious faiths which have their holiest shrines located in that city have been able to enjoy all of the religious rights to which they are entitled.

This resolution takes note of that development and expresses the strong support of the United States for the continued and permanent reunification of the holy city.

Mr. BROOMFIELD. Mr. Speaker, further reserving my right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 113, a resolution concerning the 25th anniversary of the reunification of Jerusalem. I commend our distinguished and eloquent colleague from New York, Mr. SOLARZ, for introducing this measure, and I am pleased to join him as an original cosponsor. I would also like to commend the Distinguished chairman of our Foreign Affairs Committee, Mr. FASCELL, as well as our distinguished ranking Republican member, the gentleman from Michigan [Mr. BROOMFIELD]. The distinguished chairman of our subcommittee, the gentleman from Indiana [Mr. HAMILTON], and Mr. SOLARZ for their outstanding work on this measure. I am pleased and proud to support him as an original cosponsor.

Since 1967, Moslems, Christians, and Jews alike have had access to the holy

sites in Jerusalem. This year marks the 25th anniversary of the unification of the holy city of Jerusalem, a unification that has protected the rights of access to that city for people of all faiths.

This resolution congratulates the residents of Jerusalem, as well as the people of Israel on the 25th anniversary of the reunification of that historic city.

Mr. Speaker, many of us believe that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected, just as they have been protected by the Israeli Government for the past 25 years.

As we take a moment to reflect on the tumultuous history of the city, I commend President Bush and Secretary Baker for the outstanding job they have done in bringing Arabs and Jews to the bargaining table.

I have said for years that neither the United States, nor any other third party, can impose peace on the belligerents to this conflict. We must continue to prod, to push and to be aware of when to sit back. We must continue to try to catalyze this very difficult process.

Accordingly, Mr. Speaker, I urge our colleagues to support this resolution.

Mr. BROOMFIELD. Mr. Speaker, I support this resolution.

Mr. Speaker, I wish to commend the distinguished chairman of our Asia and Pacific Subcommittee, Mr. SOLARZ, for introducing this important and timely measure, as well as the ranking Republican member of the Europe and Middle East Subcommittee, Mr. GILMAN, for his outstanding work in bringing this measure before us today.

For 25 years, ancient and historic Jerusalem has been a united city. Jerusalem is a holy city for three of the world's great religions: Judaism, Christianity, and Islam. Since 1967, Jerusalem has remained undivided, with its religious sites equally accessible to all who wish to pray.

I join my colleagues in congratulating the residents of Jerusalem and the people of Israel on the 25th anniversary of the unification of this historic city, and I support the adoption of this measure.

Mr. RAHALL. I am in opposition to Senate Concurrent Resolution 113 which calls for a reversal of long-standing U.S. foreign policy concerning the status of Jerusalem. Past and present U.S. Presidents have reiterated that Jerusalem's final status should be decided through negotiations, not proclamations, as this resolution suggests. President Bush stated on March 3, 1990, that East Jerusalem is occupied territory. For that reason, the U.S. Embassy is in Tel Aviv, not Jerusalem.

Additionally, Senate Concurrent Resolution 113, in supporting Israel's premise that Jerusalem is one city under Israeli sovereignty, is directly in conflict with U.N. resolutions. These resolutions call specifically for the internationalization of the city of Jerusalem, and condemn the forced annexation of the East Jerusalem Arab area, which was the result of the 1967 war.

Clauses 8 and 9 of this proposed resolution state that every ethnic and religious group has been protected by Israel during the past 25 years. The facts, however, do not agree. Over the years, many Palestinian Arabs have been evicted from their homes in East Jerusalem neighborhoods. The State Department itself has requested that the Israeli Government control those Israelis who have seized Palestinian property and are "bent on destroying the prospects for peace." Another example of how the rights of Palestinians are not protected by Israel was the deaths of 22 Palestinians in the streets of Jerusalem on October 8, 1990. These deaths were the result of a clash between Moslem Palestinians and Israeli police. The U.N. Security Council condemned Israel's actions in a resolution and sent an investigative team to Jerusalem with whom Israel refused to cooperate.

Furthermore, Senate Concurrent Resolution 113 would almost certainly sabotage the promising opportunity for peace which has been fomented by the Middle East Peace Conference. While hostility and violence abound as the above examples demonstrate, Palestinian and other Arab delegations feel Israeli sovereignty over all Jerusalem is unacceptable.

I realize after the fact that the distinguished gentleman from Indiana [Mr. HAMILTON] secured unanimous consent to discharge our House Foreign Affairs Committee from further consideration of the Senate passed version. All was said and done by voice vote in a very short time and with no advance scheduling. This is understandable knowing the extreme sensitivities surrounding this issue. However, it is not the House in its best form. I regret the process and I regret the action which I fear will alienate participants involved in the precious peace process. This resolution may thwart the search for justice and lasting peace that many parties have sought for many years.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 113

Whereas for three thousand years Jerusalem has been the focal point of Jewish religious devotion;

Whereas Jerusalem is also considered a holy city by the members of other religious faiths;

Whereas the once thriving Jewish community of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;

Whereas in 1967 Jerusalem was reunited during the conflict known as the Six Day War;

Whereas since 1967 Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas this year marks the twenty-fifth year that Jerusalem has been administered as a unified city in which the religious rights of all faiths have been respected and protected;

Whereas in 1990 the United States Senate and House of Representatives overwhelmingly declared that Jerusalem, the capital of Israel, "must remain an undivided city";

Whereas United Nations Security Council Resolutions 681 and 726 have raised understandable concern in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens of all faiths and Jewish citizens of other states; and

Whereas such concerns inhibit and complicate the search for a lasting peace in the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates the residents of Jerusalem and the people of Israel on the twenty-fifth anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the religious rights of every ethnic and religious group are protected as they have been by Israel during the past twenty-five years; and

(3) calls upon the President and the Secretary of State to issue an unequivocal statement in support of these principles.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in 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 Indiana?

There was no objection.

REPORT ON H.R. 5427, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993

Mr. FAZIO, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102–579) on the bill (H.R. 5427) making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. LEWIS of California reserved all points of order on the bill.

REPORT ON H.R. 5428, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1993

Mr. THOMAS of Georgia, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102–580) on the bill (H.R. 5428) making appropriations for military construction

for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. LOWERY of California reserved all points of order on the bill.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 5132, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1992, FOR DISASTER ASSISTANCE TO MEET URGENT NEEDS BECAUSE OF CALAMITIES SUCH AS THOSE WHICH OCCURRED IN LOS ANGELES AND CHICAGO

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 491 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 491

Resolved, That upon adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House an indivisible motion: (1) to adopt the conference report to accompany the bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes; (2) to agree to the motions printed in the joint explanatory statement of the committee of conference to dispose of disagreements reported from conference on Senate amendments numbered 3, 5, 7, 9, 11, 12, and 13; and (3) to agree to the motions printed in the report of the Committee on Rules accompanying this resolution to dispose of disagreements reported from conference on Senate amendments numbered 1 and 2. The conference report and the printed motions described in this resolution shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their respective designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 491 is a rule providing for the consideration of the conference report on H.R. 5132, the Dire Emergency Supplemental Appropriations for Disaster Assistance. The rule makes in order one indivisible motion to be considered in the House. The motion would include: First, adoption of the conference report; second, agreeing to motions printed in the joint explanatory statement to dispose of disagreements on seven Senate amendments; and third, agreeing to motions printed in the report to accompany the rule to dispose of disagreements on Senate amendments numbered 1 and 2.

The rule also provides for 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Appropriations Committee, or their designees. Finally, the conference report and the motions printed in the joint explanatory statement and the Rules Committee report would be considered as read.

In summary the rule provides for 1 hour of debate on a single motion to adopt the conference report and dispose of all of the amendments in disagreement. Following this will be an up or down vote on the motion.

Mr. Speaker, H.R. 5132 is a bill making dire emergency supplemental appropriations for disaster assistance. The bill provides needed funding to address the calamities which occurred earlier this year in Chicago and Los Angeles.

The conference report as modified includes funding for FEMA and SBA contained in the original House-passed bill but does not retain provisions added by the Senate dealing with Head Start and compensatory education. The modified conference report would also add $500 million for summer youth employment of which $100 million would be earmarked for the 75 largest cities.

Finally the modified conference report includes a sense-of-Senate provision deleted by the conference agreement urging Congress to adopt Federal enterprise zone legislation. Overall the bill would provide $1 billion in assistance to urban areas.

Mr. Speaker, House Resolution 491 is a carefully crafted rule that will speed consideration of this important legislation. We are already in the summer months and it is imperative that Congress distribute this funding as quickly as possible to the cities. I urge my colleagues to support the rule and the bill.

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

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

Mr. Speaker, I do not want to be accused of attempting to hold up a dire emergency supplemental appropriations bill, so I intend to support this rule.

I do so, however, with one major reservation. After the motion to adopt the conference report is debated, the rule stipulates that the previous question shall be considered as ordered on the motion to final adoption, without intervening motion. In other words, we are being denied an opportunity to offer a motion to recommit the conference report back to the conference.

Although with conference reports such a motion is not required to be provided under House rules, this is one more example of a growing trend toward denying the minority the opportunity to fully participate in developing legislation with major international policy implications.

□ 1310

I do, however, intend to vote against the conference report itself. Mr. Speaker, while we all want to assist our Nation's inner cities, and particularly my riot-ravaged Los Angeles, I believe that funneling hundreds of millions of dollars without reform would be a mistake. Since 1965 we have spend $2.1 trillion to deal with urban problems. Yet what has it gotten us?

H.R. 5132 does not get to the root of these problems, which is the alienation that confronts so many in our society. There is little in the legislation, for example, to stimulate private-sector job creation. The legislation merely pays lip service to enterprise zones, even though most Members on both sides of the aisle claim to support the concept.

The conference report states: "Congress should adopt Federal enterprise zone legislation." What are we waiting for; another decade to pass while urban economic activity becomes extinct? Peter Ueberroth, who leads the rebuilding effort in Los Angeles, said that jobs would be created within 48 hours of enactment of that legislation.

What about the President's HOPE Program to allow public housing residents to own and manage their units? Mr. Speaker, the 1990 housing bill authorized $1 billion for the program, but funding has been virtually nonexistent, and this conference report continues that trend.

In addition, Mr. Speaker, the conference report ignores the biggest vehicle at the Government's disposal for creating jobs and entrepreneurs in the inner cities.

Our so-called minority set-aside programs should be geared towards areas with high unemployment so that they serve a more useful purpose other than to line the pockets of wealthy business owners.

Mr. Speaker, I do, however, want to commend the conferees, including their leader, the gentleman from Kentucky [Mr. NATCHER], who did a wonderful job before the Committee on Rules yesterday, for including language to deny any of the assistance authorized in the legislation to anyone convicted of committing a riot-related crime in Los Angeles. It is important that we do not reward those who took part in the looting and destruction of that city.

But overall, this legislation takes the wrong approach. I cannot support this business-as-usual tack, but I do want to encourage my colleagues to support the rule so that the process can move forward.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in favor of the rule, but I do have some concerns about the base bill that this rule talks about, because I am concerned about the fact that at least one feature in the bill creates a $500 million social welfare program that was not asked for by the administration, and is now being brought to us.

Understand, this is being brought to us the day after an evening debate on eliminating $482 million for the superconducting super collider. That is a program of the future, designed to have jobs and improve the technology of the future. What we were told last night was the reason why they eliminated this project for the future is because we need to bring down the deficit. Understand, that was in a bill that was already under budget, and it was in a bill where the appropriations were such that we were not going to add to the deficit.

In this bill, because of the emergency nature, the $500 million of social welfare is going to be added on to the deficit. The President signs it in, it is an emergency, it is an emergency dire supplemental, it is added on to the deficit, so it is over and above. We exceed and go over. So everything we saved last night is being spent away in one fell swoop today.

I am a little chagrined that Congress consistently talks about the fact that every time we are out here saving money at the expense of the future, that somehow we are doing something about the deficit, and then turns around the next day and spends it for social welfare programs that basically suit our political needs right now.

I will tell the Members, a country and a Congress that fail to address the future in order to meet the present political needs is a Congress and a country that will be cursed by future generations. I am disturbed that this pattern is very, very clear in this particular instance. We are canceling out the future in a project and then turning around the very next day and spending away the money in absolute deficit add-on. I just think we ought to be very careful about our language when we come to the floor with some of these cuts that supposedly are going for deficit reduction.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I believe the gentleman is right when he talks about the super collider being the mechanics of the future, but what we are dealing with in this bill is the problem of the present. We are dealing with a need to provide jobs for youth in the cities who do not have a place to go to work. That is what this bill does. It is an immediate problem that requires our attention.

Mr. WALKER. Mr. Chairman, reclaiming my time, I would say to the gentleman, I think that is fine. Then why didn't we find some room within the budget to do this high priority for the present? Why does it have to be deficit add-on?

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I would say in response to my good friend, the gentleman from Illinois [Mr. YATES], we have tried desperately to have components included which would create jobs immediately. As I said in my statement, Peter Ueberroth, the former baseball commissioner, said down in the Oval Office with the President that if we could have the enterprise-zone concept implemented here, within 48 hours, 48 hours, jobs would be created, because that would provide an immediate signal that there is going to be a commitment to provide incentives for the private sector to create jobs in the inner city.

So I agree with my friend, that we are looking at what clearly is a present problem, but we have some very good solutions which, unfortunately, are not included in this package.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his statement, because I think it points out a real difference here. The fact is that we are part way through the summer now, that we are creating the summer jobs program. It is going to probably take until the middle of July to gear up these programs for young people. It will be the middle of August, and they are supposed to be going back to school.

The question is whether or not we create any jobs that have real consequence at all, whereas with the enterprise zones, we would create real permanent jobs for the future and would assure that private enterprise will be creating those jobs, not some Government bureaucracy that comes up with make-work projects.

We do not seem to be able to address that kind of situation. Instead, what we do is deficit add-on, more bureaucracy, and more problems that nobody knows how to deal with.

Mr. Speaker, I think that it is high time that we deal in the realities of the situation. Let us create real jobs. They do not have to be at public expense. Let us do something about this deficit, and let us at the same time keep in place those programs which help produce the jobs of the future. If we do not begin to think about the 21st century in some of what we do here, I think we are a nation that is destined to have a failed economy in the world economy which is emerging.

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

Mr. Speaker, let me say that I agree wholeheartedly with what the gentleman from Pennsylvania [Mr. WALKER] has said. I also recognize that within this bill there is this statement: "Congress should adopt Federal enterprise zone legislation." It is just that a number of us who have in a bipartisan way cosponsored and encouraged the establishment of this legislation for a long period of time, we have seen President Bush push this forward for several years, feel as if only lip service is being paid to this issue. That is why we would like to actually implement the legislation.

Mr. Speaker, I would like to compliment our representatives on the Committee on Appropriations, the gentleman from Pennsylvania [Mr. MCDADE], the gentleman from Kentucky [Mr. NATCHER], the gentleman from Indiana [Mr. MYERS], and others who have, as I said yesterday, the gentleman from Kentucky [Mr. NATCHER], up in the Committee on Rules actually brought in the profligate spending pattern that the U.S. Senate had. They took a bill which was in the hundreds of millions of dollars and put it to $2 billion, and it has been the vigilance of our conferees from this body who played a role in bringing back that level. So I would like to go on record, Mr. Speaker, complimenting them.

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

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 759

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 759.

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

There was no objection.

□ 1320

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motions to dispose of the conference report to accompany H.R. 5132, and motions to dispose of amendments in disagreement, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to

the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT ON H.R. 5132, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1992, FOR DISASTER ASSISTANCE TO MEET URGENT NEEDS BECAUSE OF CALAMITIES SUCH AS THOSE WHICH OCCURRED IN LOS ANGELES AND CHICAGO

Mr. NATCHER. Mr. Speaker, pursuant to House Resolution 491 just adopted, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. NATCHER moves:

(1) To adopt the conference report to accompany the bill (H.R. 5123) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes;

(2) To agree to the motions printed in the joint explanatory statement of the committee of conference to dispose of disagreements reported from conference on Senate amendments numbered 3, 5, 7, 9, 11, 12, and 13; and

(3) To agree to the motions printed in the report of the Committee on Rules accompanying House Resolution 491 to dispose of disagreements reported from conference on Senate amendments numbered 1 and 2.

The SPEAKER pro tempore. Pursuant to House Resolution 491, the conference report and the printed motions described in the rule are considered as read.

(For conference report and statement see Proceedings of the House of Wednesday, June 17, 1992 at page 15229.)

The texts of the several motions described in the above motion are as follows:

AMENDMENT NUMBERED 1

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 1, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $169,650,000, to remain available until expended, of which $50,895,000 shall be available only to the extent that a Presidential designation of a specific dollar amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted to the Congress, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $500,000,000, and in addition, for administrative expenses to carry out the disaster loan program, an additional $25,000,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and expenses": *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for the cost of section 7(a) guaranteed loans (15 U.S.C. 636(a)), $70,325,000, to remain available until expended, and in addition, for administrative expenses to carry out the business loan program, an additional $2,000,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and expenses": *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

In addition, for the cost of direct loans authorized under the Microloan Demonstration Program (15 U.S.C. 636(m)), $5,000,000, to remain available until expended, and in addition, for grants in conjunction with such direct loans, $4,000,000, to remain available until expended and to be merged with appropriations for "Salaries and expenses": *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NUMBERED 2

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $500,000,000, to be available for obligation for the period July 1, 1991, through June 30, 1992, to carry out part B of title II of the Job Training Partnership Act: *Provided*, That notice of eligibility of funds shall be given by July 1, 1992: *Provided further*, That the Secretary, to the extent practicable consistent with the preceding proviso, shall utilize the 1990 census data in allocating the funds appropriated herein: *Provided further*, That, for the purposes of this Act, of the funds appropriated herein, the first $100,000,000 will be made available by the Secretary to the service delivery areas containing the seventy-five cities with the largest population as determined by the 1990 Census data, in accordance with the formula criteria contained in section 201(b)(1) of the Job Training Partnership Act: *Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF THE TREASURY

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,500,000 for law enforcement training activities of the Center, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,500,000 for the hiring, training and equipping of additional full-time equivalent positions for violent crime task forces and for increased costs associated with the Los Angeles riot, to remain available until expended.

UNITED STATES CUSTOMS SERVICE

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $3,400,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $500,000 are rescinded.

BUREAU OF THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $800,000 are rescinded.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $1,765,000 are rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $1,000,000 are rescinded.

SENSE OF THE SENATE WITH RESPECT TO FEDERAL ENTERPRISE ZONES

(a) FINDINGS.—The Senate finds that:

(1) The crisis of poverty and high unemployment in America's inner-cities and rural areas demands an appropriate and timely response from Congress;

(2) Manufacturing and industry has largely disappeared from many United States inner cities which, in turn, led to the severe decline in good high-wage jobs, wholesale trade, retail businesses, and a large source of local tax revenues;

(3) Encouraging small and medium-sized businesses, which create the majority of new jobs in the United States economy, to locate and invest in poor neighborhoods is one of the keys to revitalizing urban America;

(4) Enterprise Zones will help convince businesses to build and grow in poor neighborhoods; they will give people incentives to invest in such businesses and to hire and train both unemployed and economically disadvantaged individuals; they will create jobs and stimulate entrepreneurship; and they will help restore the local tax revenue base to these communities;

(5) Enterprise Zones have been tested in 37 States since 1982 and have proven to be successful, having generated capital investments in poor neighborhoods in excess of $28,000,000,000 and having created more than 258,000 jobs; and

(6) Enterprise Zones have been endorsed by, among others, the National Governors Association, the National Council of State Legislators, the Council of Black State Legislators, the Conference of Mayors, and the Conference of Black Mayors.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Enterprise Zones are a vital, proven tool for inner-city revitalization; and

(2) Congress should adopt Federal enterprise zone legislation and that such legislation should include the following provisions:

(A) Competitive designation which will maximize State and local participation;

(B) Tax incentives addressing both capital and labor costs;

(C) Tax incentives aimed at attracting investment in small businesses; and

(D) Tax incentives to encourage the hiring and training of economically disadvantaged individuals.

AMENDMENT NUMBERED 3

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

For fiscal years 1992 and 1993, funds provided under section 9 of the Federal Transit Act shall be exempt from requirements for any non-Federal share, in the same manner as specified in section 1054 of Public Law 102–240.

AMENDMENT NUMBERED 5

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 5, and concur therein.

AMENDMENT NUMBERED 7

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 7, and concur therein with an amendment, as follows:

In lieu of the section number "103", insert: "102".

AMENDMENT NUMBERED 9

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows:

In lieu of the section number "105", insert: "103".

AMENDMENT NUMBERED 11

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows:

In lieu of the section number "107", insert: "104".

AMENDMENT NUMBERED 12

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 12, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 105. (a) None of the funds made available in this Act may be used to provide any grant, loan, or other assistance to any person who is convicted of committing a riot-related crime of violence in the City or County of Los Angeles, California, during the period of unrest occurring April 29 through May 9, 1992.

(b) None of the funds made available in this Act may be used to provide any grant, loan, or other assistance to any person who—

(1) is under arrest for, or

(2) is subject to a pending charge of:

committing a riot-related crime of violence in the City or County of Los Angeles, California, during the period of unrest occurring April 29 through May 9, 1992: *Provided*, That the prohibition on the use of funds in (b) shall not apply if a period of 90 days or more has elapsed from the date of such person being arrested for or charged with such crime: *Provided further*, That should such person be convicted of a riot-related crime of violence cited in (a) and (b), such person shall provide to the agency or agencies which provided such assistance, payments equivalent to the amount of assistance provided.

(c) All appropriate Federal agencies shall take the necessary actions to carry out the provisions of this section.

(d) APPLICANT CERTIFICATION.—Any applicant for aid provided under this Act shall certify to the Federal agency providing such aid that the applicant is not a person described in subsection (a) or acting on behalf of such person.

(e) DEFINITION.—For purposes of this section, the term "riot-related crime of violence" means any State or Federal offense as defined in Section 16 of title 18, United States Code.

AMENDMENT NUMBERED 13

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 13, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 106. HUMANITARIAN ASSISTANCE TO BOSNIA-HERCEGOVINA.

Notwithstanding any other provision of law, up to $5,000,000 of the funds made available for foreign operations, export financing, and related programs in Public Laws 102–145, as amended by Public Laws 102–163 and 102–266, and previous Acts making appropriations for foreign operations, export financing, and related programs, shall be made available for humanitarian assistance to Bosnia-Hercegovina: *Provided*, That such assistance may only be made available through private voluntary organizations, the United Nations and other international and nongovernmental organizations: *Provided further*, That funds made available under this paragraph shall be made available only through the regular notification procedures of the Committees on Appropriations.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

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

Mr. Speaker, today we bring to the House a modification to the conference agreement to the Dire Emergency Supplemental Appropriations Act for 1992 for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago. The rule just adopted, as Members know, makes in order a motion that I have just offered that, if agreed, to, will modify the conference agreement on this supplemental appropriations bill. This modified conference agreement would provide urgent assistance to those suffering from the devastation that occurred in Los Angeles and Chicago, and will provide summer youth jobs for disadvantaged young people.

Mr. Speaker, as Members will recall, when this dire emergency supplemental bill was before the House we adopted and approved the sum of $494,650,000 to be used by SBA for disaster loans and FEMA to provide for requests from Chicago and Los Angeles and for other requests that were pending. We sent that bill to the other body.

The Senate, as Members will recall, added $250 million for Head Start. They added additional money for chapter I in the amount of $250 million. For weed and seed, they added $250 million, and for summer youth employment they added $675 million.

We had problems with this in conference on both sides of the aisle, to some extent. We have now resolved this matter, Mr. Speaker, on both sides of the aisle. Under the leadership of my good friend, the gentleman from Pennsylvania [Mr. MCDADE], and others on his side and on our side, Mr. Speaker, we bring back to the House the modified conference agreement which includes $494,650,000 for FEMA and SBA for Chicago and Los Angeles, and in addition to that $500 million for summer youth employment. This will go with the amount in the regular appropriations bill of $682 million for this year. This additional $500 million, Mr. Speaker, will aid and assist in the employment of summer youth throughout the large cities and the other areas in this country and will employ as many as 400,000 additional young people. This is in addition to the 565,000 jobs that have already been financed by the regular appropriations act.

Mr. Speaker, of the $500 million provided to the Department of Labor for summer youth jobs for disadvantaged young people, the first $100 million will be allocated to the 75 largest cities as determined by the 1990 census in accordance with the formula in the Job Training Partnership Act. The remaining $400 million will be allocated among the 50 states in accordance with the basic law. The states in turn will allocate the money down to the local areas in accordance with the JTPA formula. The funds must be allocated by June 30, and we believe that the Labor Department can do it sooner than that if this bill can be passed this week.

Mr. Speaker, it is our understanding that for the purposes of the allocation of the first $100,000,000 to the 75 largest cities, the term "area of substantial unemployment" shall refer to the city.

Mr. Speaker, we recommend this to the Members of the House. We are in agreement on both sides. And, as I understand from my friends on the other side of the aisle, this modified conference report, or this bill will now be signed by the President.

Summer is upon us, Mr. Speaker. We need to pass this bill today and get it down to the President. The young people in our Nation deserve no less.

At this point I will insert a table in the RECORD that provides details of this modified agreement, and I urge its adoption by the House.

FY 1992 DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 5132)

Doc No.		Supplemental Request	House	Senate	Final Action 1/	Final Action compared with House	Final Action compared with Senate
	FY 1992 SUPPLEMENTAL APPROPRIATIONS						
	SMALL BUSINESS ADMINISTRATION						
.....	Disaster loans program account	.....	169,650,000	118,755,000	169,650,000	.....	+50,895,000
.....	(Limitation on direct loans)	.....	(500,000,000)	(350,000,000)	(500,000,000)	.....	(+150,000,000)
.....	Administrative expenses	.....	25,000,000	20,000,000	25,000,000	.....	+5,000,000
	Total, Disaster loans program account	.....	194,650,000	138,755,000	194,650,000	.....	+55,895,000
102-191	Business loans program account	53,350,000	.....	46,895,000	70,325,000	+70,325,000	+23,430,000
102-191	(Limitation on guaranteed loans)	(1,100,000,000)	.....	(966,000,000)	(1,450,000,000)	(+1,450,000,000)	(+484,000,000)
	Micro-Loan program	.....	.....	5,000,000	5,000,000	+5,000,000	.....
	Micro-Loan grants	.....	.....	4,000,000	4,000,000	+4,000,000	.....
102-191	Administrative expenses	2,000,000	.....	.....	2,000,000	+2,000,000	+2,000,000
	Total, Business loans program account	55,350,000	.....	55,895,000	81,325,000	+81,325,000	+25,430,000
	Total, Small Business Administration	55,350,000	194,650,000	194,650,000	275,975,000	+81,325,000	+81,325,000
	FEDERAL EMERGENCY MANAGEMENT AGENCY						
.....	Disaster relief	.....	300,000,000	300,000,000	300,000,000	.....	.....
.....	Disaster assistance direct loan program account (limitation on direct loans)	.....	(22,000,000)	(22,000,000)	(22,000,000)	.....	.....
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Administration for Children and Families						
.....	Human development services	.....	.....	250,000,000	.....	.....	-250,000,000
	DEPARTMENT OF EDUCATION						
.....	Compensatory education for the disadvantaged	.....	.....	250,000,000	.....	.....	-250,000,000
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
.....	Training and employment services	.....	.....	675,000,000	500,000,000	+500,000,000	-175,000,000
	COMMISSION ON NATIONAL AND COMMUNITY SERVICE						
	Program activities	.....	.....	25,000,000	.....	.....	-25,000,000
	DEPARTMENT OF JUSTICE						
	General Administration						
.....	Emergency weed and seed program fund	.....	.....	250,000,000	.....	.....	-250,000,000
	DEPARTMENT OF THE TREASURY						
	Federal Law Enforcement Training Center						
.....	Salaries and expenses	.....	.....	1,500,000	1,500,000	+1,500,000	.....
	Bureau of Alcohol, Tobacco and Firearms						
.....	Salaries and expenses	.....	.....	5,500,000	5,500,000	+5,500,000	.....
	United State Customs Service						
.....	Operation and maintenance, Air and Marine interdiction program (rescission)	.....	.....	-3,400,000	-3,400,000	-3,400,000	.....
	United States Mint						
.....	Salaries and expenses (rescission)	.....	.....	-500,000	-500,000	-500,000	.....
	Bureau of the Public Debt						
.....	Salaries and expenses (rescission)	.....	.....	-800,000	-800,000	-800,000	.....
	United States Secret Service						
.....	Salaries and expenses (rescission)	.....	.....	-1,765,000	-1,765,000	-1,765,000	.....
	Total, Department of the Treasury	.....	.....	535,000	535,000	+535,000	.....
	EXECUTIVE OFFICE OF THE PRESIDENT						
	Office of National Drug Control Policy						
.....	Salaries and expenses (rescission)	.....	.....	-1,000,000	-1,000,000	-1,000,000	.....
	Grand total:						
	New budget (obligational) authority	55,350,000	494,650,000	1,944,185,000	1,075,510,000	+580,860,000	-868,675,000
	(Appropriations)	(55,350,000)	(494,650,000)	(1,951,650,000)	(1,082,975,000)	(+588,325,000)	(-868,675,000)
	(Rescissions)	.....	.....	(-7,465,000)	(-7,465,000)	(-7,465,000)	.....
	(Limitation on direct loans)	.....	(522,000,000)	(372,000,000)	(522,000,000)	.....	(+150,000,000)
	(Limitation on guaranteed loans)	(1,100,000,000)	.....	(966,000,000)	(1,450,000,000)	(+1,450,000,000)	(+484,000,000)

1/ Final action reflects a motion made in order by the rule (H. Res. 491).

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

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

Mr. Speaker, I rise in support of the conference report on H.R. 5132 as modified by the rule. And before I begin, I want to compliment the manager of the bill, the gentleman from Kentucky [Mr. NATCHER]. As usual, he has done the right thing. He has taken the high road to reach an agreement that can be signed into law and get assistance out to people in need in our cities and across the country. And I know if it were up to him and the distinguished gentleman from Mississippi [Mr. WHITTEN], the chairman of the committee, this bill would have been worked out a month ago.

Mr. Speaker, this is an agreement that has come back from the brink. Originally proposed to provide additional funding to disaster assistance programs, it had all of the makings of a disaster in its own right. But at the last minute, reason has prevailed.

When it became clear last week that the conference was headed to Hades in a handbasket, I introduced and urged the speaker to bring up my substitute, H.R. 5342, which presented a reasonable and acceptable compromise. What we are considering today, Mr. Speaker, is my substitute in substance, if not in name.

Mr. Speaker, H.R. 5132 as originally passed by the House on May 14 included $495 million in funding to provide FEMA and SBA disaster relief grants and loans totaling $800 million. The idea was to pass on an urgent basis the funding only for immediate crisis needs and couple it with enterprise zone legislation so that we could begin to solve the problems that exist in urban America.

Well, somebody forgot to tell the other body. They took that short-term response and on May 21, immediately quadrupled it up to $2 billion. They added good programs, important programs, but programs that needed to be worked into an overall strategy of opportunity, of education, community support, and of course the overriding question that faces all of us in the House and in the Nation, how to pay for it.

On June 5, the conferees took that product and made it worse. The conference originally proposed to keep all of the funding in there and to insist that the President declare all of it an emergency or be able to spend none of it. They took the regular small business loan program, unrelated to disaster needs, but very much needed, and insisted that the President agree to declare an emergency even though, Mr. Speaker, there was room to fund it under the budget caps in the budget agreement.

And to add insult to injury, Mr. Speaker, they dropped the sense-of-the-Senate language calling on Congress to enact enterprise zone legislation, even though in my motion to instruct on June 3, the House endorsed that language by a vote of 372 to 21.

By Tuesday, June 9, the Washington Post knew what was going on and was disparaging it on their editorial page.

□ 1330

The crisis in Los Angeles and the need to provide help was being used to create a confrontation with the President. It was back to politics as usual.

Mr. Speaker, suffice it to say that I could not stand for that in good conscience, and I began to do what I could to get the bill back on the right track. I introduced my substitute last Tuesday, June 9, as a separate bill, the same as the alternative that I proposed in the conference on June 5. It called for three basic changes, first, provide a half-billion dollars for summer youth programs jobs, the one program that, if it is to be done, Mr. Speaker, must be done promptly with $100 million targeted to the 75 largest cities in the Nation; second, take $75 million for the SBA regular loan program out from under the emergency designation that the conferees on the other side have insisted upon, and fund them under the budget caps, since we have the room to pay for them; and, third, Mr. Speaker, restore the sense of the Senate on enterprise zones to assure the Congress and the country that we are serious about structural reform in urban America.

Mr. Speaker, miracle of miracles, in the agreement that was reached yesterday, that is exactly and precisely where we have ended up. Two words were changed, Mr. Speaker, and they do have some significance: The June 15 date for the release of the summer youth funding in the bill I filed was changed to July 1, an admission of just how much time we have lost.

Mr. Speaker, we are back on track in getting assistance to those in need and not using them to create political confrontation with the President or engage in partisanship.

The question now is: Should the Congress approve this modified report of the conference? Mr. Speaker, I urge my colleagues to vote "yes". The modified conference report provides up to $800 million in additional funding for disaster programs to assure funding for disasters all over the Nation.

Mr. Speaker, the conference report provides $75 million additional funding for regular small business loan program, enough to fund $1.4 billion in additional small business loans around the country. As I said, Mr. Speaker, this funding is provided under the spending caps, offset by the rescissions that the Committee on Appropriations passed earlier in the year. Without this funding, the SEA would have to close its loan window in July.

The modified conference report provides $500 million in summer youth jobs, $100 million, as I said, targeted to the 75 largest cities. Together with the nearly $700 million already available, this will provide nearly 1 million jobs to put young citizens of the Nation to work this summer in productive employment and help take them off the streets. If we pass this bill today, the money can be put to use. If we delay, Mr. Speaker, the money will be wasted, inefficient and cannot be put to use.

This modified conference report contains the sense of the Senate calling on the Congress to pass enterprise zone legislation, holding out the promise of real economic opportunity for people in urban America and the rural America.

Mr. Speaker, I believe that we now can, and we should, respond to people in need. In Los Angeles, the statistics are that there are 44,000 people unemployed because of the damage caused by the riots; 19,000 people have filed for FEMA disaster assistance; 15,000 applications have been distributed by the SBA for disaster loans.

Mr. Speaker, we are the land of hope and opportunity where everyone gets a chance if they are ready and willing to put their shoulder to the wheel. We cannot, and we ought not, turn our backs to people in need. We ought to act responsibly, and we now have the opportunity to do that and to do it right.

Mr. Speaker, this bill passed the House on May 14. It is now more than 1 month later that we are in a position finally to clear this bill. It could have been done a month ago, Mr. Speaker, and it should have been done a month ago.

Mr. Speaker, I urge my colleagues to adopt it today.

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

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, the two principal disasters we are addressing today, and it is just two of the disasters, occurred something like 7 weeks ago. I emphasize that the disaster funding in this bill is not just for Chicago and Los Angeles but instead replenishes the disaster loan fund for any declared disasters.

We would not even be here today if the revolving fund for the disaster loan program had not been abolished. But for that, relief would have been forthcoming immediately and we would not be here today.

The revolving fund which was set up and operated so well for 13 to 14 years was abolished in the summit budget agreement in 1990, and but for that action that was taken as a part of that summit agreement, the victims could have had relief the next day when it was promised by the President, and we

would not have been in this tug of war with the Senate adding on other programs and with the complications we are going to have in this bill. That disaster revolving loan fund operated 14 years. It worked well and should not have been abolished. Unlike other credit programs, this program was triggered by acts beyond the control of Congress.

We had the eligibility requirements set up in advance and the benefits could be explained and applications taken without delay, even when Congress is not in session. Time was very important with some of these destroyed businesses that want to get back into operation. Here we are 7 weeks later, some businesses will never go back into operation because they could not wait 7 weeks to find out if they could obtain the loan to rebuild or start up again. We should not even be here today because the revolving fund should not have been frozen.

We could relieve ourselves of the mistake that was made at that summit agreement. There is a bill in the Committee on Rules that could be released today which would reinstitute that fund. The administration opposes it, and while it was supported unanimously in the Small Business Committee there are a few, I am sorry to say, here in the Congress that oppose that bill also. If that bill were passed, we would not be back here on these kinds of bills again following another disaster.

If we were going to have this bill, though, it certainly should include 7(a) loan guarantees. They are needed and these bank loans would result in 100,000 new jobs and for a total of $70 million, where for $500 million under this bill, we are going to get 360,000 temporary jobs. So the 7(a) program is the one that should have been in this bill to start with.

In addition to that, the Weed and Seed Program has been mentioned. That program should be in this bill but it was eliminated. If protection is not provided for these people rebuilding their businesses in these areas through Weed and Seed Programs and overcoming problems like that, the rebuilding will not occur.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I am happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Speaker, I wanted to point out to the gentleman that Weed and Seed is available beginning on June 1. There are about $700 million, in addition to the $500 million emergency job training program; on July 1, $700 million roughly is available, and that is one of the programs that is tapped by Weed and Seed, along with Head Start, educational programs, virtually every program the gentleman and I vote for in the Labor/HHS bill offered by the gentleman from Kentucky.

Mr. SMITH of Iowa. They are not in this bill and when in the regular 1993 bill the outlays come out of the drug and crime enforcement fund of 1993. That is the problem with that.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I rise to congratulate the chairman and ranking member for the job they have done.

Mr. Speaker, I am pleased that the conferees have agreed to include in the conference report a provision that restates congressional intention regarding the use of highway funds for billboard removal.

In the Intermodal Surface Transportation Efficiency Act of 1991, Congress permitted the use of highway funds for removal of nonconforming billboards, but left it within the States' discretion as to whether funds would be used for this purpose. Much to the surprise of the Members of Congress who considered this issue, the Federal Highway Administration developed preliminary guidance contrary to this intention that would have required States to remove all nonconforming signs within 2 years. Conferees on ISTEA on both sides of the billboard question have agreed that this reading of the law by FHWA is completely contrary to congressional intention.

As a result, we in the House developed language for inclusion in a package of technical amendments that would clarify, once and for all, congressional intention that removal of nonconforming billboards is purely a matter of State discretion. In the bill before us today, the Senate included and the House conferees agreed to this clarification, as well as a couple of other technical changes that are needed to maximize the job creation benefits of ISTEA.

By permitting highway funds to be used for sign removal, Congress has provided States with the means to carry out sign removal if they so choose. States may elect to remove all or some of their nonconforming signs, or they may decide not to remove signs but instead to use funds for construction and rehabilitation projects.

Unfortunately, bureaucrats at the Federal Highway Administration have a history of pursuing their own agenda in pressuring States to remove nonconforming signs. Many examples could be cited, but let me give you just one. FHWA recently issued a notice of proposed rulemaking that replaced its earlier guidance requiring billboard removal. Although the guidance had set a June 18 deadline for States to submit plans for billboard removal, the NPRM clearly provides that the deadline is postponed until 60 days after a rule is issued, if it is issued at all. In spite of this clear delay, we received reports of the FHWA pressuring States to still meet the June 18 deadline. Only after congressional intervention did FHWA correct the mistake.

Based on this past practice, I am concerned that the Federal Highway Administration might attempt to influence States in their decisionmaking on this issue. I would simply like to state in the strongest terms, once again, that each State has complete discretion under the law as to whether to use its highway funds for billboard removal, and that the Federal Highway Administration should not in any way interfere with the decisionmaking process of the States on billboard removal.

Mr. McDADE. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. MICHEL], the distinguished Republican leader.

Mr. MICHEL. Mr. Speaker, common sense has prevailed, and we have a supplemental which addresses the real emergency needs for which it was intended without all the add-ons thrown on by the other body.

I guess this version before us today is, in essence, the McDade solution. It is strongly supported by the administration.

The agreement basically provides emergency funding for Los Angeles and Chicago contained in the original supplemental passed by the House, plus the additional $500 million for summer youth jobs, and also included is a sense-of-Congress language urging adoption of enterprise zone legislation.

I should say at this juncture that in my earlier conversation in the day with the distinguished majority leader, recognizing that we have less than 50 votes on our side of the aisle when this measure originally passed the House of Representatives, and wanting to have more, obviously with this kind of agreement, that we wanted to have assurance on this side we would have at least an opportunity for a straight up or straight down vote before the July 4 recess on the issue of enterprise zones legislation. The majority leader said that we do have that commitment from him.

I was hoping we might be able to have a brief dialog here on the floor to confirm that, but I think Members know my word well enough that what I have just said was, as a matter of fact, a conversation with the distinguished majority leader, and that were he here, he would have subscribed to that.

Mr. Speaker, I am not sure if the gentleman from Kentucky is on his feet to ask me to yield for any corroboration of that or not, but if so, I would be happy to do that.

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, I wanted the gentleman to yield to me for this purpose: The gentleman who is now speaking on the Republican side, the minority leader, and one of the best Members in the House, served for a number of years as the ranking minority member on our subcommittee that appropriates the money for the Departments of Labor, Health and Human Services, and Education. I say to the distinguished gentleman from Illinois, this modified agreement is a result of what takes place when you do it right.

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Mr. MICHEL. Well, I thank the gentleman.

Mr. NATCHER. That is exactly right, under the leadership of the gentleman from Pennsylvania [Mr. MCDADE] and the Members on the other side and on this side, I say to the gentleman from Illinois [Mr. MICHEL], we did it right.

Mr. MICHEL. Well, Mr. Speaker, let me add to that by simply saying that those were some of my more enjoyable days in this body when I guess I was not carrying the burdens of the leadership role I now have, but rather could do my thing that I thought I did best in the daily work that consumed so much time on that Appropriations Committee.

We did work on both sides of the aisle from the top of the committee down to the bottom and across that table with one another on a day-to-day basis to produce a bipartisan product. That then gives everybody an opportunity to contribute to the process and makes service in this House a very worthwhile venture when you know that you are really producing something in a very positive way.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, the gentleman talks about the enterprise zones. Enterprise zones cannot work if we do not provide a weed and seed program as a part of it.

I would solicit the support of the gentleman for putting weed and seed into that bill.

Mr. MICHEL. I shall certainly take the gentleman's recommendation there in good stead.

Mr. Speaker, I noticed the distinguished majority leader is on the floor. I would be happy to yield to him so that we might extend our phone conversation here in public.

Mr. Speaker, I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Let me first say that the efforts here on the supplemental, and I will speak a little later in the debate about the supplemental in particular, has been to try in a timely manner to get something done that is important to people.

We have engaged in a series of communications to come to this agreement that we are talking about today.

It is also our intention to have on the floor the week after next week, in other words, the week before the Fourth of July, legislation on urban enterprise zones, which are being discussed actively now within the Committee on Ways and Means and in the other body.

It would be my hope that we could reach an agreement on the outline and the specifics of urban enterprise zones. That is my goal and I know it is the goal of the distinguished minority leader.

The SPEAKER pro tempore (Mr. HAYES of Illinois). The time of the gentleman from Illinois [Mr. MICHEL] has expired.

Mr. MCDADE. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois.

Mr. MICHEL. In turn, Mr. Speaker, I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

If we are not able to come to an agreement, and I obviously hope we do and we can, it would be our obvious intention to bring this bill in a manner that the minority could offer alternatives. The exact way that would be done obviously would have to be subject to coming to an agreement on scoring, and I hope that we can do that, but we will make every effort, and I want the gentleman to know that, to see that we have a full, a fair, and a free debate of alternative approaches, as well as the approach we can work out.

I hope that we can work out a common approach that will gain a consensus between the parties on enterprise zones.

Mr. MICHEL. Mr. Speaker, I would agree with the gentleman that the ultimate solution is one in which both sides in a preliminary sort of way by committee get agreement before we come to the floor. In the absence of that, however, we want to be absolutely sure, and it gets to be a controversial subject, no question about it, people have different approaches. The gentleman from Iowa just made a suggestion there that he feels strongly about.

I guess the ultimate would be that if we had free and unfettered debate in which amendments would be offered from whatever source, we ultimately come to a consensus and then we either rise or fall depending upon the votes that are cast.

What we want and what I was asking the gentleman, and I think he has pretty well assured the gentleman from Illinois, is that we will have that opportunity in any case for a clear expression of our feelings with respect to how we perceive a good piece of legislation having to do with enterprise zones ought to be crafted.

Is that correct?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, the gentleman is stating what has been our intention all along, which is to come to an agreement on this, and if we cannot, to structure a debate that is seen by all the Members to be fair, to allow alternatives to be done in a way that is fair to both sides.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader.

May I just make the point that jobs represent one of the best ways of keeping kids off the streets and from getting into trouble during the summer. I think we will have to agree with that. The Summer Jobs Program will help to bridge the time period between now and when the Enterprise Zone Program, assuming enactment, can provide private sector jobs.

Obviously, as the gentleman from Pennsylvania pointed out, time is running short for getting the summer youth job money to the cities and developing the jobs.

Let me say just a final word about the entire process of providing such aid.

We know that our cities need a mixture of individual responsibility, government aid and private sector job building, but no one can say with certainty the exact proportion that each necessary part must contribute to solving the varied problems.

I mention this only to underscore the fact that what we in the Congress really need from time to time is a bit of humility and some patience and some discipline as we try to solve some of our urban problems.

What we have here now, finally, as what the gentleman from Kentucky has said, is a good compromise proposal, advocated by the President, which will direct funds to several of our more urgent needs; but unless there is a commitment to individual responsibility in our communities, and private sector help as well, no government aid alone is going to solve our problems.

I know there are a significant number of Members on both sides of the aisle who have some reservation about the original impact about what this was to be about. There ought not to be a reward out there in any sense or a presumed reward for simply unrulyness and tearing down our cities with the prospect that somebody is going to come to their aid later on and rebuild the damage that they have done. That cannot be countenanced, but we have to face up from time to time on a daily basis here what we are up against, and I think the manner in which we have arrived at this compromise is one in which this Member can give his wholehearted support.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I thank my chairman for yielding this time to me.

I rise in support of this conference report.

I guess most of us on this floor feel that the report is either too much or too little. This bill as it left this House provided for one thing. I do not know why Members on this floor and the press cannot get it right. It did not provide money for Los Angeles nor Chicago. It provided a replenishment of money that was being used in Los Angeles and Chicago.

The gentleman from Pennsylvania [Mr. MCDADE] has said it, the gentleman from Iowa [Mr. SMITH] has said it, but still the perception as it left here was that it provided money for Los Angeles and Chicago.

Was it too much to ask this Congress to replenish the loans that were used in those communities, not to reward rioters or an unforeseen accident in Chicago, but to provide small business loans and FEMA grants to those people who were innocent in the whole affair?

I doubt if there is one person in Los Angeles who is going to apply for a small business loan who was arrested in the riots. I doubt if small business people, the merchants, were out rioting, but rather protecting their property, yet in our conference we spent a lot of time dealing with someone who may have been arrested and prohibiting them from getting a loan for something they had no intention to do.

The conference report now provides for $500 million additional for the Job Partnership Act, not for Chicago, but this entire Nation. It provides for additional moneys for jobs for this entire Nation and each State.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. DIXON] has expired.

Mr. NATCHER. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. DIXON. And each State will share in this additional $500 million.

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If you do not need jobs and training in your communities, then you do not have to use it. But a lot of those States and those cities who have high unemployment, who have been impacted by a riot, whose people have been placed out of work, allow them an opportunity to work this summer.

Mr. Speaker, there is no one in this House that is happy with this. There is no one here who sees clearly what an urban enterprise zone is. I hope that the leaders on both sides can work constructively for an urban enterprise zone. That is like saying "motherhood."

My distinguished friend, the gentleman from California, a member of the Committee on Rules, suggests that Peter Ueberroth has a bunch of jobs in his pocket and all he needs is 48 hours. He does not even have that kind of talent. He has not even announced his committee. So let us get down to business. This is the first step in a long process to bring some order to our urban community.

Mr. MCDADE. Mr. Speaker, I yield 4 minutes to my distinguished friend, the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Mr. Speaker, I regret I must rise in opposition to this conference agreement. First, 5 weeks ago today this bill passed the House. I disagreed back then, not that we did not want to help the people in need. At that time I offered a motion to recommit. I think I got two votes for it here on the House floor, a motion to take away the grant money.

Do not give money, but provide the loans that my friend from Los Angeles just mentioned here. Provide the loans that would be repaid. But the $300 million out-and-out grant, I positively do not understand how anybody can justify giving this kind of money away when we do not have it.

We had a big row here yesterday about the half-billion dollars for investment in our future. Now, when we went to conference with that other body, right away they added all the money that Mr. MCDADE has talked about. I asked the question of several of our colleagues from the Senate on both sides of the aisle, "How are we going to pay for this?" "Don't worry about it, it is outside of the budget." "Don't worry about it, it is outside of the budget."

Last night they asked why we are in the condition we are in, and that is the reason we are in it. We do not worry about it if we can get it and do not have to be accountable for it.

Now, this has been added here in the agreement, and I would like to know how the agreement was made. I was a conferee. I understand now there is a conference agreement. I was not part of that agreement. Who made the agreement to bring this bill today? The conferees, as far as I know, at least this conferee was not invited back to the conference. True, I walked out on it because I do not want to see the taxpayers' money of this country wasted.

It provides for half a billion dollars to be available for obligation for the period July 1, 1991, through June 30, 1992. I have been advised this means that the money will have to be obligated in about 12 days. Now, Mr. DIXON just said Mr. Ueberroth in the center of Los Angeles says he does not have jobs in his pocket. How are you going to administer half a billion dollars? How are you going to get it properly spent in 10 or 12 days?

No one is opposed to summer employment, of course not. But it is a little bit late here to come in the last part of June talking about summer employment for kids that are going back to college about the middle of August. How can we really spend the taxpayers' money wisely at this late date? Certainly, I do not oppose it, but I would like to ask a few questions.

I am sorry we do not have enough time to adequately talk about this $1 billion-plus supplemental appropriation. But who is going to administer this program, what kind of people are going to qualify? What is a summer youth program? Who is going to qualify for these jobs? What kind of jobs are we going to have for them here in the remaining month and about 10 or 12 days? Who is going to get the jobs: Is it going to be college students, is it going to be hard-core unemployed youth in the inner cities? What kind of jobs are we going to have?

My friends, I hate to oppose something here. I do not oppose the loans to the inner cities or to the city of Los Angeles or Chicago to replenish the funds that will be used as the chairman has talked about here. But at this late date, at this time of the summer when just last night we decided not to spend $483 million on an investment in our future, how can we now come along with $1 billion-plus, it could run $1.5 billion, for something that no one can answer the question: Who is going to get the jobs? How is it going to be administered? Who is going to administer the program, even? We have wasted enough money. Let us not do it again.

Mr. Speaker, I urge a "no" vote on this conference report, send it back. Let us get a decent bill. It is all right to help those people who need to be helped, but at least we can help the taxpayers by reconsidering this bill and turning it down today, the conference report.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, unfortunately, some of the most important items added by the Senate were killed in order to make the bill palatable to President Bush, who really displayed a fighting spirit as he dealt with this bill.

He fought passionately against adding funds for Head Start. He went to the mat to take a Justice Department Weed and Seed Program out of the bill.

First, he recommended a weed and seed bill, and then he did not even want to see it in the bill. The only thing left in this bill, in addition to replenishment that Mr. DIXON talked about, really is the summer jobs money, which I am very pleased to see.

But the President should have supported measures to combat the hopelessness in our cities, which is clearly due to a 60-percent cut in urban aid since Ronald Reagan became President in 1981. Since that time, Federal aid for States and cities was cut by $78 billion, while the Pentagon budget increased by $579 billion.

You know, the Los Angeles crisis brought us together for a brief moment, a moment to put the politics of hate and fear behind us, a moment to get to the root causes of urban problems.

But what comes about today is basically more of the status quo; but it is all we can get done right now. I am glad to vote for picking up the shattered glass, but what about the shat-

tered dreams? We had a moment. It will take new leadership or a veto-proof Democratic Congress, because what we get today is blaming Lyndon Baines Johnson for the troubles in the cities, blaming Murphy Brown for the troubles in the cities, blaming each other for the troubles in the cities, and that just will not cut it.

Let me be clear: I will not vote to help Mr. Yeltsin in Russia, although I would like to do that, until I can help the people of our United States of America.

Mr. MCDADE. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, last month when this bill came before the House, I strongly opposed its passage because of the money that would be sent to Chicago for fixing up the tunnel leak that was caused by the negligence of the city of Chicago and its employees. That money is still in there and the authority is still in there for the Federal Emergency Management Agency to pay Chicago up to $50 million for its share of fixing up the tunnel leak.

The gentleman from California [Mr. DIXON] said that we should be sending money to people who are innocent in the whole affair, and he is right on that. But insofar as Chicago is concerned, we are going to be sending money to the city of Chicago for fixing up a tunnel that the leak was caused because their employees and agents did not recognize what was happening down there in time to stop it. For that reason, I reluctantly oppose this money. I think it is a shame we are using many good programs to drag along this very bad one.

Mr. NATCHER. Mr. Speaker, before yielding to the next gentleman, I would like for the Members of the House to know that this gentleman from Chicago, IL, has been here a long time. He is chairman of the Subcommittee on Interior of the Committee on Appropriations. Realizing that we have 50 States in this Union—when I got here, we had 48, and when this gentleman arrived, we had 48—the gentleman from Illinois [Mr. YATES] has helped people throughout the 50 States in this Union every day that he has been here.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. YATES].

□ 1400

Mr. YATES. Mr. Speaker, I thank the gentleman from Kentucky [Mr. NATCHER] for his warm introduction. I certainly look forward to the opportunity of having the gentleman introduce me around election time. I would love to have him at my campaign meetings.

But, Mr. Speaker, I have just listened to the gentleman from Wisconsin [Mr. SENSENBRENNER]. Here we go again. The gentleman from Wisconsin continues relentlessly his feud against the city of Chicago. On two earlier occasions he attacked the funds in this bill which will help the city of Chicago repair the devastation caused by the floods from the Chicago River. The House properly rejected his arguments.

Mr. Speaker, the flood waters have receded, but the damage remains. What happened in Chicago was a disaster, and it is perfectly proper for the Federal Government, just as the Federal Government has intervened to help victims of hurricanes, to help victims of floods in other parts of the country, to help victims of cyclones, and winds, and other disasters, to help the people of Chicago get back on their feet and repair the damage caused by the flood waters.

I do not think there is anything more to say about it. The House has rejected the gentleman's arguments properly, and I look forward to the House again rejecting the gentleman's argument and approving this bill.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I want to thank the gentleman from Kentucky [Mr. NATCHER]—my colleague, friend, and dean of our delegation—for yielding this time to me.

Mr. Speaker, I rise in very strong support of the gentleman's measure, and I am pleased that it does contain $500 million for summer jobs programs for youth.

Just this past Saturday I spent several hours going through many of the neighborhoods of the inner city of my hometown of Louisville. To a person, the ministers, the social workers, the business people, the passers-by said that we need—and we need desperately—summer jobs for our inner city youth. And, while this bill does target primarily the communities of Los Angeles and Chicago, I am proud to support the bill, and I am looking forward to working with my colleague, the gentleman from Kentucky [Mr. NATCHER], with whom I will soon share Jefferson County, in fashioning a broader based and a comprehensive bill for urban America.

So, Mr. Speaker, today's step is one step in the overall direction of helping America's cities and helping cities like Louisville. In helping them we help America.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, I rise today in support of this modified conference report. I support this legislation because it is the only thing the President would agree to, and the money needs to get out to the cities of America. My colleague, the gentleman from Indiana [Mr. MYERS] said that it might be too late now at this point to get this money out to the people of the cities, to the youth of the cities. I submit that the reason it is coming so late is because we have been waiting for the White House and the President to give us an agreement as to what they would not veto. That is why we are now in the middle of June, rather than at the end of May, in getting this legislation to the floor. The President held the veto over our heads like a guillotine. Either go along—or we lose our heads.

We cannot—we must not—bow to this type of pressure when we adopt a long-term urban package. We need to deliver a strong, comprehensive set of programs to revive urban America.

Mr. Speaker, what happened in Los Angeles last month was truly a tragedy—a tragedy as real and dramatic as any hurricane, tornado, drought, or flood.

But it was a disaster that is not limited to L.A. It didn't start in Los Angeles and it doesn't end in Los Angeles. There have been echoes here in Washington, in Chicago, my home city of Philadelphia, and throughout urban America.

Mr. Speaker, I founded and chaired the congressional urban caucus. I did it because our cities and the people who live in them are hurting. They suffer from a 12-year conspiracy of neglect.

Every time a teenager is killed in drug war crossfire—it is a national tragedy.

Every time a baby is born to a drug-addicted mother—it is a national tragedy. Every time a patient dies in a city hospital emergency waiting room—it is a national tragedy. These are fundamental failures of our Nation and its values.

Let's put an end to the suffering.

This emergency legislation is the right thing to do today. But the clock is ticking.

Across the country, schools are letting out as we speak. Too many young people in our cities will be on the streets with nothing to do.

I am pleased that this bill includes additional funding for youth summer jobs.

I advocated this $500 million increase to nearly double the program. This will put a total of 1 million young adults to work in cities across the country—this summer.

But our vote today cannot signal the end of our efforts to rescue Philadelphia, New York, Miami, and Chicago.

It has been 43 days since the L.A. riots. Now, we must finish work on our comprehensive long-term urban plan. We must pass it.

And the President must sign it. The cities of America cannot afford to endure another election year ping-pong game along Pennsylvania Avenue.

They need help and they need it now.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, yesterday we witnessed an historic moment

as the President of Russia addressed a joint session of Congress. Mr. Yeltsin's eloquent request moved us all, and his portrayal of Russia's dire need for economic assistance was poignant and persuasive.

No less painful and poignant, however, is the plight of our Nations cities. The riots in Los Angeles and other cities brought national attention to the terrible suffering, injustice, and neglect of our cities.

Let me tell you how people are suffering in New Haven—one of the 10 poorest cities in the Nation. Last week, a school bus was hit by a barriage of bullets as it passed through the path of a shootout, an all-too-common occurrence in our city. A 6-year-old boy in the bus named Cesar Sandoval was hit in the head and nearly killed. Then, when his family went to the hospital to be with him, their house was robbed.

This atmosphere of cynicism and violence is the result of years of neglect of our cities. Our former centers of industry and culture are now war zones where drugs, guns, AIDS, and poverty have taken over. People fear for their lives. There is little hope for the future, no jobs, little economic opportunity, little chance for decent education, health care, or affordable housing.

Mr. Speaker, I am supporting the legislation before us today, and I urge my colleagues to join me. The critical summer jobs funding, in addition to the emergency aid to Los Angeles and Chicago, are vital, and this aid will send a message that we are committed to change here at home. But we must commit ourselves today to developing a long-term comprehensive policy that attacks the problems that afflict urban areas. We must support programs like Head Start and others that we know work. We must create greater incentives for investment and economic revitalization. We must develop better strategies for fighting drugs and getting the guns off our streets.

We are suffering from a lack of leadership, a lack of vision, and a lack of compassion in the White House. We cannot return to business as usual.

Mr. MCDADE. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Mr. Speaker, I rise in support of the supplemental as one who opposed it when if first came through this House, and I want to say at the beginning, at the outset, that the likelihood of our passing a supplemental that the President can sign is, in no small measure, due to the efforts of the ranking Republican on the committee, the gentleman from Pennsylvania [Mr. MCDADE]. When I first came to Congress, I was privileged to serve on the Committee on Small Business. I have always felt that the gentleman from Pennsylvania [Mr. MCDADE] is one of the genuine masters of this institution, and he worked his magic again today by sending us a bill that we can pass and the President can sign.

Having said that though, as a participant in the Urban Initiative Task Force I have to say, although I support the bill and urge my colleagues on both sides of the aisle to vote for it, I am deeply concerned about what we are not going to do today, 7 weeks after the L.A. riots. Let us remember what the President asked us for in his urban initiative: a law and order initiative we call weed and seed, HOPE in the housing area, enterprise zones, America 2000, educational choice initiatives, welfare reform, youth apprenticeship and job training 2000, a six-point program, all of them long term in nature. What are we doing today on those six initiatives?

Mr. Speaker, with the exception of a little money for the so-called Weed and Seed Program we are doing absolutely nothing. The President called on us to deal with these initiatives in an emergency fashion. This emergency is going to drag on all the way through the summer with no resolution whatsoever.

Mr. FOGLIETTA. Mr. Speaker, will the gentleman yield?

Mr. WEBER. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Speaker, we did have a program. The original conference report, which we sent to the White House for their approval, included money for Weed and Seed. It included money for Head Start and many other programs.

□ 1410

Mr. WEBER. Mr. Speaker, reclaiming my time, it included some Weed and Seed money, as this bill does, but it included no money for enterprise zones, for HOPE, for America 2000 education.

I understand it included some other initiatives the Democrats want, and I am not critical of them. I am pointing out in terms of what the President asked for, he is not getting anything. We are passing a bill today which I am proud to support, but this is not the proposal that the President put before the country. This is not the proposal the President challenged us to act on.

My point is the urban initiative task force has met on this subject. We started out talking about how many of the President's initiatives could we pass perhaps by the Fourth of July. We hope we can do maybe a majority of them. Welfare reform is too conscientious; educational choice is too controversial; the other things are too difficult. There is controversy over the housing initiative.

The one thing we said we would try to do was enterprise zones, and that is not in this bill either. What we have instead is a promise for the majority leader that we will take it up before the Fourth of July. Not an agreement on the substance of the proposal or the procedure, but just the general agreement that we are going to take it up and debate it, which means the proposals of the President are probably going to be delayed in their entirety until the end of the summer.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. WEBER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I think it is important for us to set forth what has happened in a way that people can understand and appreciate what has been going on.

There is a consensus that the supplemental appropriation would be first, and then the package would start all over again with two or three other items. Enterprise zones were never contemplated in this supplemental appropriation. As Members will recall, the supplemental appropriation that we passed from the floor was basically SBA and FEMA. When it went to the Senate side, the Senate side added Head Start and compensatory education and Weed and Seed. It came back to the conference committee and we accepted that. We never had enterprise zones under consideration.

Mr. WEBER. Mr. Speaker, reclaiming my time, I only have time to correct one point the gentlewoman from California [Ms. WATERS] has made. There was not a consensus that the supplemental would come first. The Republicans wanted a consensus about moving the supplemental and enterprise zones down the same track, and the Democrats refused to agree to that.

As a confidence building measure, which the majority leader has been calling for in good faith, we are today going to pass a supplemental appropriations bill. But the Republicans hoped we would have a two-track strategy moving at the same time which would give us both the supplemental and enterprise zones. Unfortunately, there is no short track for enterprise zones.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I support this bill, but it is only a very inadequate first step. We cannot rely on summer jobs cleaning streets and maintaining schools. We are never going to compete in this world with people from the developing world on the basis of low paying, low-skilled jobs.

People in the developing world will always work harder, work longer, and work cheaper than our people who do not have the requisite skills. We have to have a massive program in this country, sending every kid who desperately needs it to a Head Start Program, radically rejuvenating and upgrading our vocational education programs, so that these young people have the skills to man a sophisticated, de-

manding work force. There has to be a better relationship between business and schools so that young people can go from the world of education to the world of work, know what the demands and the requirements are going to be, and be capable of filling them.

We have got to get away from the syndrome of McDonald's and Burger King employing young people with pictures of a hamburger or a malted milk on the cash register. If our people cannot read and write and count, if they have to rely on pictures of hamburgers on the keys to the cash register, our country is going to be faced with many, many more Los Angeleses, tomorrow and in years to come.

Mr. NATCHER. Mr. Speaker, before yielding 2 minutes to my chairman, the chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], I would like for the Speaker and Members of the House to know, as Members do at this time, that no Member has ever served in this body and established a better record than my chairman, JAMIE WHITTEN of Mississippi. He has 50 years and 5 months service as of January 6, 1992.

Mr. Speaker, every Member in this House on both sides of the aisle at one time or another has been benefited and assisted by my chairman, Mr. WHITTEN of Mississippi. I am substituting for the gentleman, Mr. Speaker, and it is a pleasure to do it.

Mr. WHITTEN. Mr. Speaker, I rise in support of this agreement on H.R. 5132, the dire emergency supplemental. On June 3, 1992, you appointed me and my other committee colleagues to the committee of conference. I was chairman of the conference. We worked hard to reach an agreement that would produce a bill acceptable to the House, the Senate, and the administration.

It has long been accepted that our Federal Government responds to the people of the Nation to meet dire emergencies which arise because of disasters which endanger the economy, and if not corrected, will result in economic disaster to the Nation.

This agreement provides funds for FEMA for grants to those affected by disasters in all parts of the country. It provides Small Business Administration disaster assistance to those businesses affected by disasters in all parts of the country. We also provide $500 million for summer youth jobs all across the country—to every State and every area within each State—rural areas and urban areas.

Mr. Speaker, the conference agreement includes language which calls for the administration to release the $755 million already appropriated as an emergency requirement for agricultural disasters during the 1990-92 crop years. The administration should exercise this authority to make emergency designations for rural agricultural disasters as is being doné for Chicago and Los Angeles.

Mr. Speaker, on May 6, 1992, I introduced H.R. 5069 which served as the basic text for H.R. 5132 which was marked up in full committee on May 12, 1992, and passed the House on May 14. We responded quickly to meet the needs of the Nation.

It is important to remember that the disaster assistance funds provided in this agreement replenish accounts which would run out before the end of this fiscal year. These funds will be available for assistance to all those affected by disasters all across the country—such as the tornadoes that recently occurred in Minnesota, Wisconsin, and Illinois.

Mr. Speaker, this is a good agreement, and I urge it be adopted.

Mr. McDADE. Mr. Speaker, I am pleased to yield 1½ minutes to my distinguished friend, the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I want to urge support of the conference report and to congratulate the leadership on both sides of the aisle for coming to this point. It is a point we could have been at maybe 7 weeks ago. Certainly, many weeks ago we could have been at this point. When the President declared that emergency funds were necessary as a result of what happened in Los Angeles and Chicago, those funds would be outside the budget caps. But the entire process of this legislation through the House and through the Senate and through the House-Senate conference was how much could we load into the legislation and still be outside of the budget caps.

Now, today, we are finally back where we should have been, where the only thing outside of the budget caps are the things requested by the President, the things that were actually emergency funds.

Mr. Speaker, I urge the House to accept this compromise because these are emergency funds that were requested by the President that are outside the budget caps. Other funding, as it should be, will remain inside the budget caps.

Mr. NATCHER. Mr. Speaker, at this time I yield 2 minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, I commend the chairman of the Committee on Appropriations and both sides of the aisle who have come together to put together what I consider to be a package that represents for us the first floor of a staging process.

Mr. Speaker, all of us realize that we would like for this bill to do much more than it does. However, given that this is before us at this hour, I stand in support of it, as I hope my colleagues will.

Over the last few days we have heard much discussion as we have from the leadership of Russia talk about investments, humanitarian aid, and loan guarantees.

I would suggest to Members today that we must understand as we make various arguments for urban America that we cannot relegate it to just social legislation by the limited definition that we give it, but also in urban legislation we must think in terms like investment, humanitarian aid, and loan guarantees.

Mr. Speaker, this bill does a bit, but it does not do enough. It speaks to the conditions of the moment, but it does not give us guarantees for the future.

There are so many of our young people who would love to be able to be in a position where they could have permanent jobs rather than summer jobs. There are so many adults who would love to be in a position to have permanent jobs. This bill does not guarantee that.

Mr. Speaker, it is my hope that in the future when we come before this body with an urban program that we will make such guarantees, because our Nation needs it. If we talk about investment in the future, we cannot just talk about things, we must talk about people. We must talk about investments in human beings who will ultimately give a return to this Nation by virtue of their work and the contribution they make.

Mr. Speaker, we hear it said that we must invest in Russia because it guarantees for us peace abroad. I would say that we must invest in America because it guarantees for us peace at home.

□ 1420

The SPEAKER pro tempore. (Mr. HAYES of Illinois). The Chair would like to advise that the gentleman from Kentucky [Mr. NATCHER] has 7 minutes remaining, and the gentleman from Pennsylvania [Mr. McDADE] has 3½ minutes remaining.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I rise in support of this legislation. I think it is very much needed.

I think, however, the thing that penetrates my head mostly at this point is the fact that it is just a scratch on the surface compared to what we ought to be doing. I have open office hours, stretching into days, when I go back home. And a lot of people ask me about jobs. Not just summer jobs, not just young people, but people today are needing jobs in America.

We must turn this corner and make it available. We must fight the urban decay, inner-city decay, and presence of apathy and distress in the cities by making the job opportunities the first order of business of this country.

I introduced legislation earlier this year in this field. I sincerely hope we will look forward to a program to make job opportunities our first order of business.

Mr. MCDADE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong opposition to the supplemental appropriation emergency request.

Mr. Speaker, I rise this afternoon in strong opposition to the conference report on the supplemental appropriations for disaster relief for Los Angeles and Chicago.

Yes, we all watched in horror as whole neighborhoods of Los Angeles erupted into a firestorm of rioting, murder, and looting. Over the past 6 weeks, we have heard sociologists, civil rights advocates, psychologists, police officials, talk show hosts, amateur pundits, and professional politicians all develop and expound on the root causes of the violence.

But whether the riots were caused by decades of neglect, the failure of our social safety net and our welfare system, or an explosion of base lawlessness, I am not here this afternoon to engage in an extended debate on the reasons behind this disaster.

I am here to raise the red warning flag—we cannot continue to mortgage our children's future with continued deficit spending. And that's exactly what this is: $1.1 billion in new spending—because it is designated a so-called emergency—do not have to be offset by any corresponding budget cut.

I am astonished by this procedure. Today's vote comes exactly 1 week—to the hour—after this House debated the balanced budget amendment, complete with everyone's pious declarations that we must start making the tough decisions.

Yes, the cities need attention. Let's give it to them. But let's pay for it.

I would submit, however, that the taxpayers across this country should not be paying for the negligence and the incompetence of city officials in Chicago. I believe there is a body of evidence that clearly shows that city officials knew—or should have known—weeks before the flood, that such a disaster was possible. In this case, Chicago should foot the bill for such mismanagement and incompetence.

Second, this bill includes FEMA funds for riot disaster relief. This is establishing a precedent for those funds which are designated as natural disasters. This is a precedent which will open the Federal purse for all urban riot disturbances.

I also stress how deeply troubled I am by the removal of the Weed-and-Seed funds from this legislation. Weed and Seed is a promising program which would combine vigorous law enforcement with viable economic development strategies in order to return our inner-city neighborhoods to the law-abiding, hard-working, tax-paying citizens who used to live and work there.

In the short run, what our cities need are a combination of an expanded Weed-and-Seed program, comprehensive welfare reform, and early childhood intervention—all programs that we can and must pay for today.

In the long run, what our cities need is a reduction in our budget deficit and our national debt. Without this, any action we take today will only set the stage for further neglect.

Mr. MCDADE. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, I am simply astounded that this bill is even being considered today. I should not be astounded though. The same Members voting against a balanced budget amendment will support this bill's fiscal irresponsibility.

Think about it. We are discussing a gift of hundreds of millions of dollars to Chicago. No one seems to mind that this is plainly and simply a reward for local government incompetence.

We are also talking about giving millions of dollars to Los Angeles. Has anyone asked why we are rewarding the negligence of the State of California and the local police department in their inadequate response to this crisis?

Finally, I voted last night to slash one-half of a billion dollars from money to advance science. I cannot imagine how we cannot afford the one-half of a billion dollars for advancement of science, but can afford more than one-half of a billion dollars for the advancement of incompetence.

I urge my colleagues to vote against this bill. It rewards incompetence and wastes money that we just do not have.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, this country is in trouble. We are in trouble because of the neglect that we have seen over the past 12 years or so. Our people are crying out for jobs. Unemployment numbers keep rising.

It is not only in the inner cities and urban America, it is in rural America, it is in suburbia. Many people who have worked 10, 15, and 20 years find that their jobs are lost, exported to Third World countries for cheap labor.

It just happens to be worse in inner cities. We have a structural problem. We have young males all over this country 17 to 30 years old, some of whom have never been employed in their lives, some of whom have dropped out of school, others whose lives stopped after high school. Many of them are fathers, hanging out on America's corners with nothing to do.

They want to work. They want a better quality of life.

This bill does not begin to get at that. I do not support the rule because it does not allow me the opportunity to amend the legislation, but I must accept that the President will only support FEMA, SBA, and a little bit of money for the summer youth program.

We extended this legislation. We put some money in for Head Start. We had some money in for compensatory education. We would have given him his Weed and Seed. He said he wanted that. But he told us he would not support our legislation that came back from the conference committee.

He said, "Send me a bill that is only worth $1.1 billion, with FEMA, SBA, and a little bit of money for summer youth."

It does not go very far. It does not begin to get at the root problem. We are in trouble.

What are we going to do? Over in the Committee on Banking, Finance, and Urban Affairs they are going to vote for $12 billion to go to Russia to support Russia by way of the IMF. I wish we could get $12 billion for our cities. They are going to pass that legislation out. I guess they are going to reward Russia for not being at war with us.

Let us do something for our cities. Support this but ask for more.

Mr. MCDADE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I supported this supplemental bill when it was passed by the House, but once again, the darned embarrassing thing is that when it comes back from the Senate, what do we find, another one-half billion dollars that is to be spent. And that is why I cannot support it at this time.

It is good to talk about, and we all should talk about, the fact that we have some great problems in this country. But we are talking about an emergency supplemental bill here. We zeroed in on that in the House of Representatives, and then the Senate, or in conference at least, we come back with a bill like this.

We just cannot have it both ways. We cannot talk about the fact that we all want to cut and then we just add what under the regular formula of the summer's program, employment program, this is not geared to Los Angeles. It is not geared to Chicago. It is geared to all the Nation. Everybody gets something from it in their particular community.

That is the wrong way to go about it. This is the very group that turned down $7 billion of the Presidential rescission bills that would give us the money to do what we have to do.

Mr. MCDADE. Mr. Speaker, I yield my final 1½ minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. MCDADE] for yielding time to me.

I want to compliment my colleague, the gentleman from Pennsylvania, JOE MCDADE, as well as the gentleman from Kentucky [Mr. NATCHER] for an outstanding job on this very, very difficult legislation. It is not unusual for us to initiate a supplemental to deal with an emergency and have it become a Christmas tree for additional spending. That is exactly what we discovered in the conference committee.

That bill that the House initiated could have been moved with money in hand helping people today if the other body had not used the process to fund additional programs.

I would speak to the gentlewoman for just a moment, my friend from the

California Legislature. There is little question that there is a very, very serious need here. We're attempting to help innocent people, who have had their buildings and businesses burned down through no fault of their own. To suggest that we ought to make it a Christmas tree for additional spending is mistaken.

I would submit that attempts to add other programs can only interrupt the flow of real help to the very people who need it most at this point in time. The committee has worked very hard to be responsive. I have worked with the administration to get a bill that can be signed. That is most important, as we go forward here.

To those who say we have not done enough, I simply say that there are many Members who think this is more than we need to spend.

Mr. NATCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], our majority leader.

Mr. GEPHARDT. Mr. Speaker, I rise in support of this supplemental legislation. In my view, it is not enough. I wish that we could have gotten an agreement that included the money for Head Start and chapter 1 for the summer and for weed and seed and even more.

□ 1430

Even more, the reason we are on the floor with this supplemental appropriation is because there are lots of places and lots of people in this country that are in real trouble, and not that money or programs are the whole answer, they are not, but they are part of the answer.

One of the greatest leaders in the area of civil rights was in my office right after Los Angeles. He said to me in private and with great sincerity, "Do not misunderstand the depth and the severity of the problem we face all across the country, not just in Los Angeles." He said "There are thousands of young adults standing on street corners in our cities who are unemployed and many unemployable." He said "Because of the recession that has now gone on for almost 2 years, they have given up. There is no hope." That is why there are going to increasingly be problems of civil unrest across this country. We have to respond.

This bill is a response. It is not nearly as much as I would have wanted it to be, but at least it is something to begin to respond to the people, to get young people off of the streets, to get them into meaningful jobs and occupations, to be a beginning for them to become part of the mainstream of this economy.

Chapter 1 would have been terrific to keep the kids in school this summer, wouldn't that have been a good thing to do, and Head Start, so they do not have to be standing out on the streets and they can be part of an activity that would give them hope and give the feeling that they could be part of this country and part of this economy?

However, we can do this, and we need to do this today. I urge Members who are worried about the deficit, and I know there are many of them, and it is sincere, this is a time and an issue in which we must not give into our fears about the deficit. There are lots of other places where we are going to address that problem, and I hope we will. But this is an emergency. The President has said it is an emergency. We have said it is an emergency. That is why we have that clause in this Budget Act. This is the time to declare that emergency.

A final word. This has been an effort to come together to do something. We are not today deciding that we will remain in disagreement with the Republicans and with the President. We cannot get anything done if we just remain in disagreement. I am disappointed in the compromise. I am sure there are others on the other side that are disappointed as well. But this is a time to do something. It means nothing to those young people in Los Angeles, or St. Louis, or in New York if we just have a good old continuing argument in this place. We have got to get something done, and I hope this is the beginning of getting something done.

I have never been much for enterprise zones, but I am willing to try to get some. I would like to see if they work. I hope we will not remain in disagreement over enterprise zones. If we even get 10 of them out there in the next 6 months, if they really work and they mean something in people's lives, by God, let us do it. Let us put them out there. Let us not just have an argument in this place. Let us do something for the people we represent and that count on us to take concrete actions to change their lives for the better and the good.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to express my support for the conference report to H.R. 5132, and to urge my colleagues to vote for this emergency legislation.

While I would have liked to see funding for the vitally important Head Start Programs included in this legislation, it is urgent that we get a bill across the President's desk that he will sign, and I am pleased to see that a mutually agreeable compromise was worked out with the administration. Just over 2 months ago, I would remind Members, residents, and businesses in the heart of my congressional district awoke to find the Chicago River flowing through their basements after the wall of a little used freight tunnel stretching under the city collapsed. Property damage alone has been estimated at over $300 million, and it has been estimated that, when all is accounted for, total losses will top $1 billion.

No other disaster has so paralyzed America's second city since the Great Fire of 1871. Hundreds of thousands of Chicagoans were forced to stay home from work for nearly a week while hundreds of buildings and businesses in Chicago's Loop were closed due to flood damage. Many of these businesses remain closed today, and regardless of whether or not negligence is to blame for the flood, businesses in Chicago are entitled to these disaster relief funds under the criteria in our basic disaster law.

Mr. Speaker, the hard-working people of Chicago have already been soaked enough this year. I urge my colleagues not to soak them again and to please support this legislation.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of H.R. 5131, the supplemental appropriations for disaster relief.

The devastating damage that resulted from the massive flooding in downtown Chicago, and the riots that took place in Los Angeles, are well documented. I have personally visited the flooded areas in downtown Chicago, and I am familiar with the magnitude and scope of the city's urgent needs.

The Chicago and L.A. events, combined with other disasters that have occurred across the country, threaten to deplete current disaster relief reserves. These reserves are now at dangerously low levels. Indeed, the estimated cost of assistance to Los Angeles alone could break the bank.

This bill before us today provides an infusion of $1.1 billion for disaster relief and the Summer Youth Unemployment Program. Although just a first step in a much needed urban initiative, Congress is demonstrating to the American people that when disasters occur, the Federal Government will respond with emergency actions.

This bill appropriates $195 million for the Small Business Administration Disaster Loan Program. Additionally, the Federal Emergency Management Agency will receive $300 million for disaster relief to meet the urgent needs of communities devastated by the Los Angeles riots, the Chicago flood, and any other disaster that may occur in the future.

I am also pleased that this measure contains $500 million for the Summer Youth Employment Program. In the city of Chicago alone, this program employs 14,000 youths. Unfortunately, there are 9,500 young people on a waiting list hoping for work. Funding for the Summer Youth Program can provide jobs for these young people who want to work but just can't find jobs.

The supplemental appropriations bill before us today enables us to ensure communities across the country that when unforeseen disasters occur, the Federal Government can respond with emergency action. I urge my colleagues to pass this essential legislation.

Mr. PENNY. Mr. Speaker, 2 years ago, President Bush and the Congress agreed to a new budget discipline. Separate spending caps were imposed on domestic, defense, and foreign aid accounts. No new spending was to proceed unless offset by cuts in other areas.

This dire emergency supplemental appropriations bill violates the basic principles of that budget agreement. No attempt was made to identify spending cuts in order to pay for this emergency assistance to Los Angeles and Chicago. Clearly, most Americans would not quarrel with some sort of aid to these cities in the aftermath of the destruction caused by ri-

oters, in the case of Los Angeles, and flooding, in the case of Chicago. But most Americans would object to increasing the budget deficit by $1 billion in order to provide this help.

We must honestly pay for the programs of this Government, even when we are responding to an emergency situation. We could have, and should have, cut other programs by $1 billion in order to finance this aid package. Our unwillingness to do so, simply confirms in the mind of many voters that Congress and the President really aren't serious about eliminating the Federal budget deficit.

Mr. EMERSON. Mr. Speaker, I rise today in opposition to this so-called emergency funding measure. I agree, there are some good initiatives contained in this legislation, but overall, its concept does not go far enough. Specifically, it—by and large—ignores the needs of rural America. Furthermore, this final measure includes one-half billion dollars more than we discussed in this Chamber a month ago. Didn't we, as a body of Government, learn anything from our exchanges last week on the balanced budget amendment? The American people don't want the Congress to spend money it doesn't have, especially if it is not going to have beneficial ramifications for all of our Nation's folks. That's what I'm hearing from my constituents in southern Missouri, and I'm sure many of my colleagues who are in touch with their districts are hearing similar anthems.

Going into this process a little more than a month ago, I was hopeful we could use this appropriations measure to actually serve as a streamlined economic growth package. It failed then to accomplish this purpose, and it falls short again this time around.

Of all of the inclusions in this measure—or in this case not specifically included—is discussion of enterprise zones. We definitely need Federal enterprise zone legislation to help spur growth and create jobs. Although we do not address enterprise zones here today, I am encouraged by the earlier words of my colleague from my home State, the majority leader, that we will take up the issue before the Independence Day break. While I'm on this subject, I'd like to offer a suggestion to all of my colleagues: Please quit using the term "Urban" enterprise zones, rather let's push for "Federal" enterprise zones. In this way, we erase that overt division in helping one group and ignoring another. I agree our cities do need economic assistance, but so do our rural communities. By establishing enterprise zones in all areas of America that need an economic boost, we can satisfy our goals of economic stimulus and sustained growth. Furthermore, in changing our terminology, we can help pull our citizens together as one in overcoming our current economic conditions.

Mr. Speaker, as I close, I'd like to restate my opposition to this emergency appropriations measure. The bottom line is: It costs too much and helps too few. As I have said before, if we really intend to rebuild our Nation's infrastructure, attracting new business and industry, and putting people to work with all Americans footing the bill, then all Americans should get a piece of that pie.

Mr. RAMSTAD. Mr. Speaker, I rise today in opposition to the conference report.

I do so with some regret. There are certainly some important programs in the bill—such as funding for the Credit Crunch Relief Act—which should be passed immediately by Congress as a separate measure.

But Congress does not legislate in a logical manner. Instead, the majority loads up projects—good and bad—in one massive omnibus bill.

This forces us to choose between voting for a budget-busting trainload of goodies or voting against programs that serve our national interest.

But this shouldn't surprise anyone; it's more politics as usual. And the American people are sick of it. They're sick of a Congress that can't hold the line on spending borrowed money. They're sick of a Congress that can't balance the Federal budget. And they're sick of a Congress that shells out disaster relief funds for State and local officials that dropped the ball on law and order.

Mr. Speaker, everyone here was shocked by the tragic events that occurred in Los Angeles. But instead of increasing the deficit by $1 billion, we should be passing legislation to restore our inner cities. Programs like Operation Weed and Seed, enterprise zones, and Secretary Kemp's Hope project ought to be the foundation of our urban policy—not deficit spending.

Last week, the House held a historic debate on Government spending, the size of Government, and a balanced budget amendment to the Constitution. What I learned from the debate was how completely out-of-touch the ruling elite in Congress is from the rest of the country.

Over three-quarters of the American people support a balanced budget amendment and oppose continued deficit spending. Yet, the House refused to pass a balanced budget amendment.

For those who asked last week, why we need a balanced budget amendment, the answer is before you today.

My colleagues, please remember the taxpayers of this country. Remember that every time we vote for more spending, we are shackling our children and grandchildren with debt.

As Thomas Jefferson said, "Public debt is the greatest of dangers to be feared * * * to preserve our independence, we must not let our rulers load us with perpetual debt."

Mr. Speaker, I urge my colleagues to vote against the conference report.

Mr. WASHINGTON. Mr. Speaker, I rise in reluctant opposition to the conference committee report on H.R. 5132, The dire emergency supplemental appropriations bill. On May 14, 1992, I rose in opposition to the same when it was debated before this House and my comments appear at H. 3266 on the CONGRESSIONAL RECORD for that day and are set forth as follows:

Mr. Speaker, I am here to inform the people whom I serve in the Congress of the United States why I shall vote against the bill presently pending.

In my view, Mr. Speaker, pain lives in the heart of the American cities, and I agree with the gentleman from Illinois [Mr. MICHEL] that this ought to be the first step, and there ought to be others following it, but my theory is: Once this bill is passed, having been in politics for 20 years, the pressure is going to be relieved, and there will be nothing done about Los Angeles, and New York and the other cities in this country, nothing meaningful.

We have pain in the heart of the American cities, and radical surgery is required, but, instead of radical surgery, this bill is, at best, an inoculation against a disease that is already present in that body. We are treating it with a salve, a balm, because it hurts. But we are not going to stop the hurt. We are going to cover up the hurt, and we will go back to business as usual, and we will be about the business of doing other things.

Mr. Speaker, in the 2 years I have been in Congress I have come to believe that there are great minds, and they do not necessarily exit on one side of the aisle. They are men and women who are willing to roll up their sleeves and work on the great American problems, to solve the problems of our cities. But we are not going to solve them because the pressure will be relieved when we pass this money, and we will dust our hands off, and we will go back to business as usual. And a year from now, the problems that existed that did not start in Los Angeles the week that the verdict came in, but have been existing in Los Angeles and the other cities in this country for many, many years will continue to exist.

So, Mr. Speaker, let there be one lone voice who votes against this, and I note my exception because I believe that I will be able to say, "I told you so," and about this, Mr. Speaker, I hope I have never been more wrong.

Mr. Speaker, the remarks that I made at that time are as true now, and they were then, and my fears have been borne out. The record of events since that day will reflect that little has been done except the wringing of hands to address the underlying problems which face our American cities. This conference committee report, as I suspected, is merely a Band-Aid on a growing cancer and nothing is likely to change.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 5132, and to express my outrage at the response—or lack thereof—of the Bush administration to our urban crisis. We are now entering the seventh week since the civil disturbances in Los Angeles and we have yet to send a single dollar's worth of assistance to our cities.

The reason for this gridlock? Yet again, the Bush administration is refusing to negotiate with Congress on a package that won't be veto bait. Seven weeks ago, I recall the President talking a good line to the stunned masses of Los Angeles, saying he heard the anguished voices of our cities. Now, 7 weeks later, his true colors come forth as he nickles-and-dimes at the negotiating table over a desperately needed urban aid bill. While the President deliberates how small this bill should be, he mortgages the future of our cities and our children.

This body very quickly passed an emergency response to Los Angeles—just to get some emergency FEMA and Small Business Administration funds to L.A. to clean up and rebuild its damaged areas. The Senate passed a large package, which included funds for summer youth programs, and summer Head Start Programs, for a total of about $2 billion, which was agreed to in conference.

This package has now been reduced to $1.1 billion out of fear of a President veto. The

new deal will provide precious little funding for an emergency response to L.A. and for funding of Summer Youth Programs. Funding for Head Start and other programs for the summer have now been dropped.

This is no substitute for an urban policy. If the President thinks this legislation will suffice as his repsonse to the simmering rage in our cities, then his urban policy is a joke. Mr. Speaker, my hope is that the urban aid legislation being developed by the leadership will go much further than the bill we are debating here today.

Mr. Speaker, If we are to properly address our urban crisis after a decade of neglect and decay, caused by the policies of the President and his predecessor, it is going to cost some money. President Bush needs to take a lesson from New York Mayor David Dinkins, who pointed out that we have the choice of paying for Head Start now or the National Guard later.

If the President truly wants to aid our cities and provide some hope of a future for our urban youth, he will show his willingness to finally commit some long-overdue dollars to them.

If the President truly wants to aid our cities and provide some hope of a future for our urban youth, he will stop treating his urban policy czar like the whelp of their litter and encourage some real urban policy development.

If the President truly wants to aid our cities and provide some hope of a future for our urban youth, he will come to the table with us to negotiate a real urban policy, and not just a pittance that will slide by his veto pen.

Mr. Speaker, I urge my colleagues to join in passing this legislation, and to join in supporting our leadership as it negotiates a national urban aid package with our reluctant President.

Ms. PELOSI. Mr. Speaker, I rise today in support of the conference agreement on H.R. 5132, which would provide supplemental appropriations this year for disaster relief.

I support this bill with some reluctance, however, because it is not the best bill we could pass. While the House version of the bill would have provided $495 million for disaster assistance programs run by the Small Business Administration and the Federal Emergency Management Agency.

The House wanted to deal only with cleaning up the remnants of the Los Angeles riots and the flooding in the aftermath of the Chicago tunnel debacle. The other body wanted more. To the simple House measure, they added about $1.45 billion for an array of other urban aid programs. Good programs that badly need money.

They put in $675 million for summer jobs and training. This would have reached 500,000 young people aged 14 to 19, in addition to the 530,000 youths currently served.

They put in $250 million for a Head Start Summer Program, which would have helped 200,000 children; $250 million for a chapter I summer school program to target 550,000 disadvantaged children, and $250 million for the administration's proposed Weed and Seed Program to help those blighted urban areas riddled with crime and drug activity.

The House and Senate conferees on the supplemental appropriations bill agreed to fund these programs. They reached a compromise after weeks of negotiations. It was a good agreement.

It was not good enough for the White House, however, which interceded to block the compromise. The President would agree only to the SBA and FEMA money in the House bill plus $500 million for the summer jobs program. Not a penny more.

I support this bill, Mr. Speaker, because if we do not move it now and move it quickly, there will be no additional money for the Summer Jobs Program. The hour already is late. The money is badly needed. I wish we were doing more.

Mr. NATCHER. Mr. Speaker, I urge support of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Pursuant to House Resolution 491, the previous question is ordered on the motion.

The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCDADE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 168, not voting 17, as follows:

[Roll No. 206]

YEAS—249

Abercrombie	Coughlin	Gilman
Ackerman	Cox (IL)	Gingrich
Alexander	Coyne	Gonzalez
Anderson	Davis	Gordon
Andrews (ME)	de la Garza	Green
Andrews (NJ)	DeFazio	Guarini
Annunzio	DeLauro	Hall (OH)
Anthony	Dellums	Hamilton
Aspin	Derrick	Hatcher
Atkins	Dicks	Hayes (IL)
AuCoin	Dingell	Hertel
Barnard	Dixon	Hoagland
Bateman	Donnelly	Hochbrueckner
Bellenson	Dooley	Horn
Bennett	Downey	Horton
Berman	Durbin	Houghton
Bevill	Dwyer	Hoyer
Bilbray	Dymally	Ireland
Blackwell	Early	Jacobs
Boehlert	Eckart	Jefferson
Borski	Edwards (CA)	Johnson (CT)
Boxer	Engel	Johnston
Brooks	English	Jones (NC)
Brown	Espy	Jontz
Bruce	Evans	Kanjorski
Bryant	Fascell	Kaptur
Bustamante	Fazio	Kasich
Byron	Fish	Kennedy
Campbell (CA)	Flake	Kennelly
Campbell (CO)	Foglietta	Kildee
Cardin	Ford (MI)	Kleczka
Clay	Ford (TN)	Klug
Clement	Frank (MA)	Kopetski
Clinger	Franks (CT)	Kostmayer
Coleman (TX)	Frost	LaFalce
Collins (IL)	Gallo	Lantos
Collins (MI)	Gaydos	LaRocco
Condit	Gejdenson	Leach
Conyers	Gephardt	Lehman (CA)
Cooper	Gibbons	Lehman (FL)
Costello	Gilchrest	Lent
Levin (MI)	Nowak	Skeen
Levine (CA)	Oakar	Slaughter
Lewis (CA)	Oberstar	Smith (FL)
Lewis (GA)	Obey	Smith (IA)
Lipinski	Olver	Smith (NJ)
Lloyd	Ortiz	Smith (TX)
Long	Owens (NY)	Solarz
Lowery (CA)	Owens (UT)	Spratt
Lowey (NY)	Pallone	Staggers
Luken	Panetta	Stallings
Machtley	Pastor	Stark
Manton	Payne (NJ)	Stokes
Markey	Pelosi	Studds
Martin	Perkins	Swift
Martinez	Pickle	Synar
Matsui	Porter	Tallon
Mavroules	Poshard	Tanner
Mazzoli	Price	Thomas (GA)
McCloskey	Rahall	Thornton
McCurdy	Rangel	Torres
McDade	Reed	Torricelli
McDermott	Richardson	Towns
McGrath	Rinaldo	Traficant
McHugh	Roe	Unsoeld
McMillen (MD)	Ros-Lehtinen	Upton
McNulty	Rose	Vento
Mfume	Rostenkowski	Vucanovich
Michel	Roybal	Walsh
Miller (CA)	Russo	Waters
Mineta	Sabo	Waxman
Mink	Sanders	Weber
Moakley	Sangmeister	Weiss
Mollohan	Savage	Wheat
Moran	Sawyer	Whitten
Morella	Scheuer	Williams
Morrison	Schiff	Wilson
Mrazek	Schroeder	Wise
Murtha	Schulze	Wolpe
Nagle	Serrano	Wyden
Natcher	Sharp	Yates
Neal (MA)	Sikorski	Yatron
Neal (NC)	Skaggs	Zelifff

NAYS—168

Allard	Geren	Nussle
Allen	Gillmor	Olin
Andrews (TX)	Goodling	Orton
Applegate	Goss	Oxley
Archer	Gradison	Packard
Armey	Grandy	Parker
Bacchus	Gunderson	Patterson
Baker	Hall (TX)	Paxon
Ballenger	Hammerschmidt	Payne (VA)
Barrett	Hancock	Pease
Barton	Hansen	Penny
Bentley	Harris	Peterson (FL)
Bereuter	Hastert	Peterson (MN)
Billirakis	Hayes (LA)	Petri
Blilley	Hefley	Pickett
Boehner	Henry	Pursell
Boucher	Herger	Ramstad
Brewster	Hobson	Ravenel
Broomfield	Holloway	Ray
Browder	Hopkins	Regula
Bunning	Huckaby	Rhodes
Burton	Hughes	Ridge
Callahan	Hunter	Riggs
Camp	Hutto	Ritter
Carper	Inhofe	Roberts
Carr	James	Roemer
Chapman	Johnson (SD)	Rogers
Coble	Johnson (TX)	Rohrabacher
Coleman (MO)	Kolbe	Roth
Combest	Kyl	Roukema
Cox (CA)	Lagomarsino	Rowland
Cramer	Lancaster	Santorum
Cunningham	Laughlin	Sarpalius
Dannemeyer	Lewis (FL)	Saxton
Darden	Lightfoot	Schaefer
DeLay	Livingston	Sensenbrenner
Dickinson	Marlenee	Shaw
Doolittle	McCandless	Shays
Dorgan (ND)	McCollum	Shuster
Dornan (CA)	McCrery	Sisisky
Dreier	McEwen	Skelton
Duncan	McMillan (NC)	Smith (OR)
Edwards (OK)	Meyers	Snowe
Edwards (TX)	Miller (OH)	Solomon
Emerson	Miller (WA)	Spence
Erdreich	Molinari	Stearns
Ewing	Montgomery	Stenholm
Fawell	Moody	Stump
Fields	Moorhead	Sundquist
Gallegly	Murphy	Swett
Gekas	Myers	Tauzin

Taylor (MS)	Vander Jagt	Weldon
Taylor (NC)	Visclosky	Wolf
Thomas (CA)	Volkmer	Wylie
Thomas (WY)	Walker	Young (FL)
Valentine	Washington	Zimmer

NOT VOTING—17

Bonior	Hubbard	Quillen
Chandler	Hyde	Schumer
Crane	Jenkins	Slattery
Feighan	Jones (GA)	Traxler
Glickman	Kolter	Young (AK)
Hefner	Nichols	

□ 1456

The Clerk announced the following pair:

On this vote:

Mr. Schumer for, with Mr. Quillen against.

Messrs. ANDREWS of Texas, CRAMER, SHAW, and HUGHES changed their vote from "yea" to "nay."

Mrs. VUCANOVICH and Mr. BENNETT changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KOPETSKI. Mr. Speaker, I was unavoidably detained on official business in my district for the vote on rollcall No. 206. If I had been present, I would have voted "aye" on rollcall No. 206.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT TO FILE A PRIVILEGED REPORT

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, to file a privileged report to accompany a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes.

Mr. EDWARDS of Oklahoma reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4484, MARITIME ADMINISTRATION AUTHORIZATION ACT, FISCAL YEAR 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–582) on the resolution (H. Res. 493) providing for the consideration of the bill (H.R. 4484) to authorize appropriations for fiscal year 1993 for the Maritime Administration, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2637, WITHDRAWING LANDS FOR THE WASTE ISOLATION PILOT PLANT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–583) on the resolution (H. Res. 494) providing for the consideration of the bill (H.R. 2637) to withdraw lands for the Waste Isolation Pilot Plant, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5095, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–584) on the resolution (H. Res. 495) providing for the consideration of the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1500

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3221

Mr. DICKS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3221.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Washington?

There was no objection.

EXTENDING THROUGH SEPTEMBER 30, 1992, TIME AVAILABLE FOR OBLIGATION OF CERTAIN AMOUNTS APPROPRIATED FOR BUREAU OF INDIAN AFFAIRS

Mr. YATES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 509) to extend through September 30, 1992, the period in which there remains available for obligation certain amounts appropriated for the Bureau of Indian Affairs for the school operations costs of Bureau-funded schools, and ask for its immediate consideration.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 509

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding Public Law 101–512, amounts appropriated in such Public Law for the Bureau of Indian Affairs for school operations costs of Bureau-funded schools shall remain available for obligation through September 30, 1992.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. YATES] is recognized for 1 hour.

Mr. YATES. Mr. Speaker, I shall not take the hour.

This is a bill that is filed for the purpose of correcting some accounting errors in the school system of the Bureau of Indian Affairs. It has been discovered that the accounting system indicates that funds are over-obligated. The BIA has the opinion, however, that its funds have not been overobligated, but as a result of the accounting system being in error the BIA cannot pay its teachers, it cannot pay its debts.

For that reason this bill seeks to have an extension from June 30 until September to provide the opportunity to the BIA to correct its accounting system.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, the minority has no objection. This is a necessary extension because of the problems connected with the system. We have no problem with it.

Mr. YATES. Mr. Speaker, this matter has been cleared with the majority and minority leaders.

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

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CENTRAL VALLEY PROJECT REFORM ACT

The SPEAKER pro tempore. Pursuant to House Resolution 486 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5099.

□ 1502

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5099) to provide for the restoration of fish and wildlife and their habitat in the Central Valley of California, and for other purposes, with Mr. CARDIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 30 minutes, and the gen-

tleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

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

Mr. Chairman, the House will consider today H.R. 5099, the Central Valley Project Reform Act of 1992.

H.R. 5099 is an historic compromise that will benefit all Californians, and all Americans.

The central tenets of H.R. 5099 are:

Reauthorization of the Central Valley project to include fish and wildlife restoration and mitigation as fundamental project purposes;

Guarantees of real water and real funding to assure that real restoration and mitigation goals are achieved within a realistic timeframe; and

Allowing for the transfer of water from irrigation to municipal and industrial and environmental purposes, under reasonable terms and conditions, consistent with the diverse economy and needs of modern California.

I want to thank the members of the Interior Committee who have worked to achieve this compromise, and who voted unanimously to report this legislation to the House, and particularly the ranking member of the Water Subcommittee, Mr. HANSEN of Utah, who offered great support in keeping this process moving along.

This legislation is the culmination of a decade and a half of sometimes angry effort to eliminate abuses, reduce unwarranted subsidies, modernize the operations, and ameliorate the damages caused by the Federal Central Valley project.

I also want to thank the Members of the House who have repeatedly and consistently voted to insist upon reform of costly, outdated and wasteful water projects. Over the past decade, Members of the House have voted by large margins to force change in this area that was so long protected from accountability.

In 1982, we passed Reclamation Reform Act to end subsidy abuses by irrigators who evaded the acreage limitations in reclamation law.

In 1986, we enacted the Coordinated Operating Agreement Act to improve the coordination of the Central Valley project and the State water project, and that included important pricing and contract reforms and environmental improvements.

In 1987, we passed reclamation reform II to close loopholes exploited by large California growers and allowed by the Department of the Interior.

In 1990, we approved a major water projects reclamation reform bill to make projects more fiscally and environmentally responsible and to require enforcement of the law by a recalcitrant Department that has consistently done the bidding of the big growers. Unfortunately, the Senate was prevented from completing action on this bill in the 101st Congress.

Last year, the House approved H.R. 429, the same water projects reform package we passed in 1990, and we waited until earlier this year for the Senate to act.

Also last year, a strong majority of the House voted to bar the Secretary of the Interior from signing any water contracts for longer than 3 years, until we stopped the abuses, ripoffs and environmental destruction that have characterized the Central Valley project. We needed two-thirds to add that provision to a conference report, but the message sent by the House went out loud and clear.

And this is the message.

Every other State has accepted the fact that this is 1992, not 1892, and the world of water must change. Utah accepts it. Arizona accepts it. North Dakota and South Dakota have accepted it. Nebraska accepted it. Wyoming accepted it. The list goes on.

This House will not, and must not, continue to vote for heavily subsidized, environmentally destructive, financially irresponsible projects. Through the reforms you have demanded, we have saved billions of dollars for taxpayers, and have created environmentally responsible water projects. We have brought reclamation into the modern age.

Today, hopefully for the last time, it is California's turn.

For decades, the Central Valley project has been operated with a disregard for economic concerns, environmental consequences, and political reality.

Massive subsidies and lax enforcement by the Bureau of Reclamation have made a mockery of the principles and provisions of Federal reclamation law. While tens of thousands of reclamation farmers in 16 States live within the scope of the law, a small number of agribusinesses in my State have flagrantly violated the letter and the intent of congressional mandate after mandate, usually with the complicity of officials of the Department of the Interior.

The impact of that past policy has been tragic, and costly, to the State of California and to taxpayers nationwide. The Central Valley project has had a very detrimental impact on California's fish and wildlife habitat and populations, decimating rivers and bays, jeopardizing thousands of jobs in commercial fishing and recreational industries, polluting wetlands and slaughtering migratory waterfowl. Massive irrigation subsidies have encouraged the overirrigation of marginal lands, the growing of surplus crops, and the creation of a drainage contamination nightmare we have just begun to remedy.

California's population has tripled and become overwhelmingly urban; aviation has evolved from propeller to spaceship; music has moved from swing to rock to rap. And yet, like Old Man River, the Central Valley project has just kept rolling along, decade after decade, oblivious to change, enriching the few and ignoring the many, and sending the unpaid bills to the taxpayer.

Today, that long history of abuse comes to a screeching halt. Today, the Central Valley project at last confronts reform, and reform wins. The taxpayer wins. The environment wins. Agriculture wins. And millions of Californians, north and south, who have been excluded from the benefits of the Central Valley project, win.

An extraordinary coalition supports this reform effort: urban and agricultural water districts from San Francisco to the metropolitan water district that serves over 16 million southern Californians; every major newspaper throughout our State; environmental and wildlife organizations. A tremendous grassroots effort throughout California has generated widespread support for major Central Valley project reform, and the bill we will pass today should meet with their approval.

In the past, views on water policy in our State have been divided between the north, where water is, and the south, where most of the people are. With H.R. 5099, we bridge that gap.

Here is what the two leading newspapers of California say about the bill we consider today.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield before he goes much further?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I just want to know, what does "should meet there approval" mean? I am not sure what that phrase means.

Mr. MILLER of California. Well, like every compromise, not everybody is happy on either side.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman.

Mr. MILLER of California. Mr. Speaker, the San Francisco Chronicle article states:

After two decades of debate, six years of drought and three years of legislative gridlock, Congress is nearing agreement on what could prove the most significant California water policy overhaul in nearly half a century.—San Francisco Chronicle, May 17, 1992.

What [H.R. 5099] would do is relax agriculture's iron grip on the biggest single block of California water so that it can be used where society thinks it can best breed prosperity.—Los Angeles Times, May 26, 1992.

This bill is the product of unprecedented negotiations and agreements. It is not everything I want, it is not everything the advocates of all sides would like. But it is the product of sincere negotiation and genuine com-

promise, and I stand by that agreement.

The Senate has passed a bill, and is awaiting a conference. Dozens of Members of this House and the Senate also have water project reauthorizations that waited for 3 years while we have worked out these issues in California. We must move forward together, and we must move forward now. Delay serves only the narrow interests who have resisted change in the past, who resist it today, and who will continue to resist any substantive change in the status quo for as long as their privileged subsidies endure.

We in this House have a larger interest. We have a broader responsibility. To the taxpayer. To the environment. To the millions of Californians, and businesses, and workers, that have been effectively shut out by the Bureau of Reclamation for the benefit of a few hundred farmers for a half century.

Passage of H.R. 5099 today will serve that broad national interest, and I ask for your overwhelming support of this legislation today.

□ 1510

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

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Central Valley Project Reform Act.

The primary purpose of this bill is to reform the operations of the Central Valley project in California. The Central Valley project is a collection of numerous individual project units authorized by Congress over the past 50 years. The CVP, as it is called, collects and distributes water from rivers north of the Sacramento delta to irrigated farmland and communities in the Central Valley and San Francisco Bay areas.

California currently uses about 40-45 million acre feet of water each year to meet its agricultural, municipal, and industrial needs. Approximately 60 percent of this water comes from surface sources. Agriculture is responsible for about 83-85 percent of the State's water use and the remainder of the water is used by commercial, residential, other municipal, and industrial purposes. The Central Valley project generates about 7 million acre feet of water per year or approximately 20 percent of the total State's water supply.

The CVP is partly responsible for the tremendous agricultural production out of the State of California, perhaps the greatest producing farming area in the world. The total crop value in California is approximately $11 billion per year and 85 percent of the State's water generates this $11 billion.

Of even greater significance, I believe, is the fact that the other 15 percent of California's water supplies produce a gross economic product of $760 billion, a GNP which rivals the economic power of many advanced industrialized countries. I think this is one of the reasons why the metropolitan water district of southern California, the major water wholesaler is southern California with some 17 million customers has supported this bill.

California is growing. In recent years California has grown by approximately 2,000 people per day. This generates the additional population of one major metropolitan area each year. The water supplies in California are not limitless. They are scare. Growth in the West will be one of the major issues of the next century.

Today we seek to make changes in the operation of the Central Valley project. This process has been going on for many years. Ultimately, I believe the resolution of the many reform issues in this bill will probably occur in conference. The important issue contained within the compromise language approved by the committee is what we are talking about.

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

Mr. MILLER of California. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I rise in opposition to H.R. 5099. I do so somewhat reluctantly, though I am strongly opposed to the bill as it is written. When this bill was originally introduced, it was my hope that eventually we could work out some type of consensus, a compromise, by the time this bill reached the floor. Unfortunately, we have not been able to, and we will have to wait for a conference if that is ever to be achieved.

The bill before us today has been approved substantially over the bill Mr. MILLER introduced, but it falls far short of what is needed. When H.R. 5099 was introduced in May of this year, it was seen immediately as a declaration of war on the San Joacquin Valley's economy.

Designed to restore fish and wildlife habitat in California's Central Valley, the bill instead would wreak havoc on the economy, the farming economy in the area, destroy our local municipalities and cost billions of dollars in losses to agriculture.

In response to my criticism and the criticism of others, Mr. Miller agreed to sit down to negotiate a compromise alternative to that bill. After many weeks of negotiation, we presented the outlines of a compromise to the Interior Committee, with the understanding that the outline would need additional changes before it could be acceptable to either side. After the committee reported the bill, those changes never came to fruition. Therefore, I am left with no alternative but to oppose this bill today.

The bill makes needed improvements over the original draft; most important is the removal of a requirement that water contractors permanently forfeit up to 50 percent of the water they now receive to fish and wildlife needs. This proposal added insult to injury, especially since most contractors are now receiving just 25 percent of the contracted supply due to California's 6 year drought. This proposal would have created an indefinite drought in California if you are a farmer.

Farmers and environmentalists alike have problems with the current version of the bill; it is still in need of a good deal of work. One can oppose this bill on environmental grounds and on the grounds that it remains anti-agriculture. My charge is to help craft legislation that the farmers in my district can live with and that realistically establishes a process for restoring fish and wildlife habitat. With H.R. 5099, however, a balance between competing needs has yet been struck.

I take issue with the chairman's comment concerning the activities of the Central Valley project. I think it has meant a great deal to the economy of our State and this Nation.

For nearly two decades, through my tenure as an assemblyman in California's State legislature and as a Member of Congress, I have been one of the strongest advocates for sound and reasonable water policy. Water is the most valuable resource in the area I represent because, without water, there is no economy, and no community. California's Central Valley is graced by one of the Nation's most spectacular public works projects, the Central Valley project. This project, conceived in the early parts of this century, has helped California build a $17 billion agricultural economy and helped supply the Nation with a good portion of its fruits and vegetables. I have always believed that sound water policy was essential to support the sustainable development of the Central Valley and the rest of California.

For years, the Central Valley project has been criticized by Members of Congress who would prefer to see it disappear, arguing that it is a relic of the past, supported by too much Government subsidy. This is just flat wrong. The CVP is one of the best investments this country has ever made, having created millions of dollars of economic income for each dollar spent on it. The CVP is now linked to a diverse economy that sustains over a million people. Reform of the CVP, if it is to change, must be done carefully.

Since I came to Congress, the CVP has already undergone enormous change. In 1982, we passed the Reclamation Reform Act, to dramatically overhaul the eligibility requirements for recipients of CVP and other Bureau of Reclamation-supplied water. In 1986, we passed the Coordinated Operations Agreement [COA], to coordinate and make more efficient the interaction of California's two biggest water projects,

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the CVP and the State water project. I along with Mr. MILLER played an active role in both of these endeavors.

Believing that reform was imminent and necessary, we urged our constituents to help us develop legislation that would more effectively address problems associated with declining fish and wildlife habitat in the Central Valley. We introduced the bill, H.R. 3876, the Central Valley Project Fish and Wildlife Act of 1991, and its companion bill passed the Senate as part of the omnibus reclamation projects bill, H.R. 429.

Bills to reauthorize the Central Valley project for fish and wildlife purposes have been around for a number of years and only this year does it seem likely that a bill will go to conference. We sat down to negotiate with Mr. MILLER with hopes of developing a process that would bring us to compromise. We were successful at beginning this process, but were unsuccessful at carrying through with it. This process needed more time, but we did not have it. Now our time will have to come in conference where the opportunities to develop a reasonable solution seem more limited.

I have a great deal of respect for my chairman, the gentleman from California [Mr. MILLER]. I know that our disagreement on this issue is sincere and profound. I am still hopeful, however, that there will be a possibility to reach an agreement and get a bill that the President of the United States can eventually sign. We go to conference now with a bill offered by Mr. DOOLEY, Mr. CONDIT, and myself in this House, supported by the Senator from California, having passed that body, that will be placed against this bill if it passes today. However, because this bill does not yet meet the standards necessary to sustain the economy of the San Joaquin Valley, I am opposing it today and asking for a "no" vote.

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. I thank the gentleman for yielding this time to me.

Mr. Chairman, I find myself in the position of rising in support of the Central Valley Project Improvement Act. This is a large step from where I was when the bill was originally introduced. However, I believe, through the work mostly of the members of the California delegation, a significant improvement has taken place in the crafting of this bill and the reporting out of this bill from the Committee on Interior and Insular Affairs to the full House.

Negotiations have continued since the bill was reported, and even now are continuing. It is a measure of the fact that Mr. LEHMAN finds himself in a position of having to oppose the bill that in fact those negotiations have not been successfully completed.

However, there will be time between now and the time that the conference committee can be appointed and a conference committee can meet so those negotiations can continue.

The very nature of a conference is to negotiate and to reach compromise.

□ 1520

Mr. Chairman, I think that, as I said, significant improvement has taken place in the structure of this bill.

For example, the bill, as introduced, added fish and wildlife enhancement and mitigation as an authorized purpose for the Central Valley project and designated 1.5 million acre-feet off the top of the Central Valley project water supply for those purposes. If in a very short year Central Valley project only had available 1.5 million acre-feet of water under the bill as introduced, all of that 1.5 million acre-feet would have to go to fish and wildlife mitigation.

The chairman has agreed to maintain enhancement and mitigation as a project purpose, but not to designate an amount of water which leaves the allocation process in place. That alone, I think, is one of the most significant improvements in the bill that has been agreed to.

The chairman said in a truth that was never truer in this particular case that the compromise is something that makes everybody unhappy, and, in dealing with this bill and those who are particularly interested in it, it is my impression that in truth everybody is unhappy about this bill. But I do believe in the good faith of the parties that are involved, and I believe that a conference with the Senate can make these matters more palatable to most of the people who are affected.

Mr. Chairman, there are two things that are important. Central Valley project is not just a California project because of the fruits, and vegetables and foodstuffs that are grown as a result of the Central Valley project and are consumed by all Americans. And the Central Valley project has made it possible for America to consume reasonably priced fruits and vegetables, and other foodstuffs, and for that purpose Central Valley project is important to all of us, and reformation of Central Valley project that has an impact upon the cost of food in this country makes this bill important to all of us and is the reason that so many of us who are not Californians are involved in this process.

But the second important point that needs to be emphasized for the benefit of the other States in the reclamation was that Central Valley project is an extraordinarily unique project. This is not a cookie cutter, rubber stamp reclamation project. The solutions to Central Valley project's problems that will be made by this legislation are not solutions that can be picked up and moved intact to apply in an onerous way to a reclamation project in another State. Central Valley project is unique to California. This bill is unique to California. The solutions that it intends to impose on Central Valley project, the changes in operations it intends to impose on Central Valley project are unique to Central Valley project. Those of us who live in reclamation States in the rest of the West need not be concerned that precedent will be set here that can willynilly be applied to us at some future time.

So, Mr. Chairman, I am pleased to have been part of the process. I am going to support the bill, and I am going to be offering an amendment that is unique to Arizona, which I believe will be accepted, and I am going to participate in the conference, and I hope that we can bring a conference report back to the House before we adjourn that the President can sign.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in opposition to H.R. 5099. As most of my colleagues know all too well, water is a divisive issue among Californians.

The House has endured many—too many—intense battles within the California delegation over the allocation of water within our State. Those fights are always about the Central Valley project—how it's operated, who benefits, who pays and how much.

And so it is today. The question now before Congress is how to allocate the Central Valley project's limited resources among the competing needs of farmers, cities and the environment.

I represent an area of the Central Valley that is the most productive agricultural region in the World. It owes its productivity to the water of the Central Valley project. The entire economy of my district and the livelihoods of my constituents—whether they work in agriculture or not—depend upon the adequate and certain supply of irrigation water from the Central Valley project.

For those of us who represent the Central Valley, there is no more important issue than the one before us now. It's no exaggeration to say that H.R. 5099, in whatever form, will determine the future of the Central Valley for generations.

Several weeks ago, I and other representatives of the Central Valley, Mr. LEHMAN of California, Mr. FAZIO, and Mr. CONDIT, met with the chairman of the Interior Committee, Mr. MILLER of California, to begin a process that we all hoped would result in a consensus on the CVP.

The negotiations that followed were long and intense. But they were also productive, in large part due to Chairman MILLER'S willingness to craft a bill that would meet the needs of all parties.

I commend him for his leadership, his hard work, and his good faith.

Our discussions produced what we believed to be a solid framework for an

equitable allocation of CVP water among agricultural, urban, and environmental uses. That's why I supported the agreement approved by the Interior Committee and sent to the House as the amendment before us now.

But I supported that agreement with the understanding that several outstanding issues, large and small, would be resolved before we brought the bill to the floor.

Unfortunately, those issues have not been resolved.

With more time and more constructive leadership on the part of the State of California, we probably could have reached final agreement.

But as it stands now, the bill in its present form is unacceptable to the agricultural communities of the Central Valley. As it stands now, the bill is not a compromise. As it stands now, this is not a bill that I can support. I will vote no on H.R. 5099 and urge my colleagues to do the same.

I had genuinely hoped to stand here in support of a Central Valley Project bill, to say that compromise acceptable to all parties had been reached, that we had at last found a fair and workable solution to some of California's most intractable water problems.

I still hope that I will be able to do that sometime in the near future. I remain willing to work with Chairman MILLER, my colleagues from California on both sides of the aisle and in the Senate to achieve a consensus.

We have made progress. The process is continuing. I urge my colleagues to express their support for that process by voting against amendments that will only create further divisiveness.

These include some of amendments to be offered by the Merchant Marine Committee relating to allocation of water for fish and wildlife. They are not constructive. And the water-pricing amendment to be offered by the gentleman from Connecticut [Mr. GEJDENSON] is particularly contentious and will only retard resolution of this difficult issue.

I urge a "no" vote on both amendments.

Mr. MILLER of California. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise today to oppose H.R. 5099 as reported from the committee. During the hearings held in May, I, along with my colleagues, the gentleman from California [Mr. DOOLEY], the gentleman from California [Mr. LEHMAN], and the gentleman from California [Mr. FAZIO], expressed reservations on specific issues which had to be resolved before H.R. 5099 would be acceptable. Despite our efforts to work productively toward resolving these issues, there has been no resolvement, and I might add that, along with my colleagues, we worked very hard with the chairman and his staff, and I am hopeful that we are still going to be able to resolve these issues.

In the last few years, Mr. Chairman, the agriculture industry in California has been hurt by a variety of natural and man-made problems. The 6-year drought and the 1990 freeze are beyond the power of government to solve. But government, by its planning and preparation, can mitigate problems associated with the needs of California, in addition to the environment. There is no doubt California agriculture and the millions of people who depend on it would not have survived the 6 consecutive years of drought we are now facing without the construction of the Central Valley project.

Unfortunately, Mr. Chairman, many groups and individuals see the water issue as it relates to the Central Valley in simplistic terms. Many people ignore the vital importance of water to the Valley residents and stereotype them as gritty corporate farmers who do not care for the future of our environment.

The truth is quite opposite. Why would the farming community people who have lived in the area for many generations want to destroy the environment they must produce from every day?

□ 1530

I want to express my commitment to support public policy that addressed concerns about the impact of the CVP upon the environment as long as such a policy accounted for the needs and concerns of those who depend upon the CVP as well. H.R. 5099 as reported to the House floor does not represent this equal balance. Specifically, H.R. 5099 will:

Impose unreasonable limitations on new contracts for any purpose other than fish and wildlife;

Allocate 100,000 acre-feet of water from the existing project yield for auction to the highest municipal or industrial bidder;

Reduce contracts for CVP contractors from 40 to 20 years;

Require expensive environment studies, both on a programmatic basis for the entire CVP and for each contractor; and

And to allocate a contractor's water supply for fish and wildlife purposes, without any clear standards as to how or why or when this wholesale grab of water will take place.

Let's look at this in realistic terms. The economic vitality of the Central Valley is directly related to agriculture and agriculture is directly related to the availability of water. Hundreds of thousands of jobs will be directly impacted on the decision you will be making today on H.R. 5099. Representatives of the environmental community and contractors from the CVP have been working hard to agree on compromise legislation, but that opportunity has been forestalled by H.R. 5099's coming to the floor today.

Mr. Chairman, I hope that we can continue this dialog and in the future resolve these problems. Today I will be voting against the bill and urging my colleagues to do the same.

Mr. THOMAS of California. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I rise in reluctant opposition to the bill. Reluctant, because we are close to a breakthrough that I could enthusiastically support.

While I supported Chairman MILLER's efforts to move the bill out of committee, I did so with the understanding that my colleagues and I who represent districts in the Central Valley would be able to continue to work with Chairman MILLER to make additional improvements in the measure prior to its consideration by the full House.

For a variety of reasons, all of which were well beyond the control of Chairman MILLER, we have been unable to make additional progress on the measure. Most notably, the untimely intervention into the process of the Governor of California, precluded the Valley delegation and Chairman MILLER from bringing to this floor a proposal with broader support.

As a result of the Governor's intervention, key members of the Central Valley project water user community withdrew from negotiations with the environmental community, and, as a result, pulled the rug out from under negotiations that had led to the historic agreement in principle between the major environmental groups and the water users.

We have lost the momentum on this historic agreement and that is a shame.

Governor Wilson advocates the transfer of the project to the State of California as the means for solving the environmental protection problems that we are trying to address in this process and bill. It is not possible to solve the environmental problem by a simple transfer of ownership or control. These are not mutually exclusive issues. The transfer of the project is not a substitute for reforming the operation of the Central Valley project. Both proposals can and should be considered independent of one another, and enacting much needed reforms in project operations that protect fish and wildlife will not prejudice any future decision by this body on the question of the transfer of the Central Valley project to the State of California.

Mr. LEHMAN, Mr. DOOLEY, Mr. CONDIT, and I have spent considerable amounts of time and energy working with Chairman MILLER to draft consensus Central Valley project legislation. And, we remain firmly committed to working with Chairman MILLER to reach a compromise that will provide certainty for our State's vital agricultural economy as well as address the

very legitimate environmental problems associated with the current operation of the project.

By the time this measure emerges from conference, I am confident that, working with the able chairman of the committee, we can achieve a balanced and fair compromise. And, I am hopeful that with a change in the Governor's position, our water user community will be able to come back to the table to restart these negotiations with the environmental community so that we can bring back to this House a conference report that represents a California solution to this problem. One that other reclamation States can support and this entire Congress can pass with pride.

Key improvements to H.R. 5099 proposed by the water user-environmental community compromise (Somach-Graff product) include the following: a preference for transfers among Central Valley project users within the area of origin; imposition of the restoration fund charge on an acre-foot basis, allowing the size of the fund to be reduced in drought years; recognition of ability to pay in the assessment of the restoration fund; linkage between the fish and wildlife mitigation and restoration activities authorized in the bill, and the stated goal of doubling the fish population; and, language which seeks to minimize the impact of the bill on existing Central Valley project users. The provision is recognition of what we all believe, and that is that we don't want to harm the existing Central Valley project users, we simply want to ensure that the project is operated more effectively to protect fish and wildlife.

Mr. HANSEN. Mr. Chairman, I yield 8 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, I think I just saw an extraordinary event. Parading to the microphone were a series of Members, including this current Member, who represent all of California from the Tehachapis to the Sacramento Valley, five Members of Congress representing more than 3 million people, who have all exhorted the efforts to try to reach a compromise, but have been unsuccessful.

Mr. Chairman, I especially enjoyed my friend and colleague, the gentleman from California [Mr. FAZIO] in his attempt to shift the blame to the Governor of California, since this legislation from day one contained as one of its purposes an attempt to study the transfer of the CVP to California, and everyone has that as part of their understanding of a compromise. But more importantly was what the gentleman said about where he was on the measure. He is opposed. All of us are opposed. All of us are opposed. Yet the chairman would have Members believe that there has been a compromise reached and that we should go forward.

Take a look at the "Dear Colleague" put out. Listen to his remarks. Everybody is on board, including the metropolitan water district.

Mr. Chairman, let me tell Members, as someone who represents Inyo County, as someone who represents the people who were raped by the metropolitan water district and remembered in the movie "Chinatown," as someone who realizes that the appetite of the metropolitan water district for water from anywhere at any cost, the idea that the metropolitan water district is part of this grand compromise indicates that the chairman believes that Don Rickles should be brought to a sensitivity session.

Mr. Chairman, if you will examine the bill, and believe me, examine it, because it will change on a daily basis, this compromise is like trying to carry water in a sieve. As recently as 2 days ago additional language was added to the bill in the Committee on Rules which certainly did not make technical corrections.

For example, did you know now that the Secretary of the Interior does not control the water decisions in California? It is now the Federal Department of Fish and Wildlife and the California Department of Fish and Game. The Secretary of the Interior is an instructed operator through these individuals.

In addition to those amendments, the word "existing" was stricken from the bill, which now means that the CVP would not only have to meet existing California regulatory and judicial requirements, but it would also have to meet any future regulatory and judicial requirements. That is, the contract would have to be changed as facts and circumstances change. You know how valuable that kind of a contract is.

Mr. Chairman, the gentleman from Utah [Mr. HANSEN] indicated that agriculture in California producing about $11 billion, which, incidentially, is a major contributor to the balance of payments efforts in this country, consumes about 85 percent of the water supply. I think we have to underscore that that is 85 percent of the developed water supply. There is significantly more water in California that could be available for use. But the self-same coalition that wants to make it away from the agricultural interests wants to lock that water up so that other people cannot use it.

Mr. Chairman, they cannot have it both ways. Either there is not enough water, or there is too much water. If they are willing to put all of the water in California on the table we could reach an agreement about the distribution of that water in a relatively short period in time.

When you talk about compromise, is it not interesting that two of the Democrats who spoke representing the area are on the subcommittee and the committee, and they oppose it? All of the Members of the area oppose it.

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What is occurring is a typical tactic that we have seen time and time again out of this same coalition. "Just go along with me to get it out of committee; just go along with me to get it off the floor; just go along with me to get it out of conference."

I am here to tell my colleagues that the version of the bill that is in front of us, if it winds up on the President's desk, is going to be vetoed. So if my colleagues do not have the ability to stand up at some time and say, enough is enough, then a Presidential veto perhaps will put it in focus.

Now, I know I have got friends from Arizona and Utah and other places who are anxious to see the forced package that was created for the purposes of being a Trojan horse to move this aspect of the package forward, anxious to make sure that no one disrupts the movement. As a matter of fact, dated June 17 is a "Dear Colleague" from the chairman of the committee and the ranking member extolling the virtues of the compromise about the Central Valley project, in which the gentleman from Utah praises the compromise, I am sure, as outlined by the chairman. But I have to assure my colleagues that just as we watch captured fliers in the hands of our enemies saying things on television that we know they really do not mean because it is under duress, rest assured that the gentleman from Utah falls in that category.

I appreciate the difficulty that he faces in trying to get his own project through. It is not his fault. It is the fault of the people who packaged the program as it is currently packaged.

Let me just tell my colleagues the typical compromise was, for example, the transfer tax. That was the way to fund a slush fund that is in this bill. The 100,000 acre-feet that my colleague from California talked about, a forced sale for no reason until we examine where the money goes from that forced sale, it goes to the slush fund as well. That transfer tax is not in the bill. A major compromise will be bragged about in terms of the transfer tax not being in the bill.

The reason the transfer tax is not in the bill is that the committee exceeded its jurisdiction, and it would have been stricken on the floor on a question of a point of order.

These are the only kinds of compromises that tend to take place. I tell my colleagues that when they examine this package in terms of the efforts of my colleagues, I applaud them in terms of trying to wash away stone with tears. We have not made any major compromises. There have been no major advances. If a similar kind of compromising tactics survive conference and come back here, this package will be vetoed.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, the gentleman, I think, referred to my trying to cast some blame on the Governor. Does not the gentleman agree that we really could deal with the environmental problems in the Central Valley and the question of transfer, as this study included in the bill attempts to do, as separate items? And does the gentleman not believe that it would be important to bring the water users—that the gentleman and I represent—to the table, and keep them involved in the negotiating process?

Mr. THOMAS of California. Mr. Chairman, I think the gentleman has to understand that the process which we have experienced and which we can anticipate is not one of true compromise. It is not one of an attempt to bring all interests to the table and resolve the problem.

It is an attempt to do the same thing that the gentleman of the Committee on Interior and Insular Affairs has tried to do through other avenues. It was an attempt to change the land policy through the 960-acre negotiation, which failed.

We are now utilizing fish and wildlife in an attempt to fundamentally change the economic structure of the Central Valley. I appreciate where the gentleman is coming from. I appreciate his talent.

I also appreciate the fact that if it were a true effort at compromise, if all of the parties were at the table and there was an honest attempt to resolve all of the difficulties in the true compromise way, that is a half-a-loaf, two-thirds of a loaf coming together without the smoke screen of the Utah project or the other projects attempting to sweeten the pie, and we all sat down with the understanding and the coordination of the California projects and the Federal projects are to the benefit of California, if all those elements were present, I would agree with the gentleman.

Unfortunately, all of those elements are not present. Witness all you folks in opposition to the bill.

Mr. HANSEN. Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, as the gentleman from California Chairman MILLER, has said, Utah does realize that the time for reformation of water policy has come. I am very proud to say that the Central Utah Water project—which is a principal part of this omnibus act before us today—has become a model, really, for water conservation and reform.

We spent 5 years rewriting the Central Utah project to make sure that it was a model which could lead the Nation in terms of water conservation. We have involved in the rewriting of this bill all of the environmental community, all of the water development community, all of those who deal with the natural resources in Utah have been a part of this act.

Out of it has come a marvelous piece of legislation, which coming from Utah, the second most arid State in the Nation, is in fact a model of water conservation.

There is not really any turning back to the old days, when the only concern in Western water use was getting water to farmers cheaply, no matter how destructive or wasteful that policy might be.

I commend very sincerely the gentleman from California, Chairman MILLER and the gentleman from California, Mr. LEHMAN, and others for their efforts to find a compromise that satisfies all of the parties involved.

The negotiations obviously are still continuing and will during conference. But I believe that the remaining conflicts can be resolved.

I think that we saw the future of water use in the West during negotiations on this Central Utah project, and we adjusted what was once an outdated, one-sided water project bill into a bill that reflected the new ethic in water use, an ethic that balances the needs of agriculture, cities, and Fish and Wildlife. I think it is time for the Central Valley project to do the same. I join my colleagues in rising in support of this important bill today.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I simply rise to recognize the unique problems that exist in California and to give some sympathy to the kinds of problems there that are getting folks together.

My main point in rising is there is a considerable amount of difference between water programs in the West. It makes a difference whether we are dealing with Central California or whether we are dealing with a 7,200 foot elevation ranch in Wyoming.

So I am just simply saying, I hope we do not set some precedents here in terms of reclamation and acreages and those kinds of things that are later expected to apply in quite a different situation.

Mr. HANSEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I have no additional requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment and each section is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central Valley Project Reform Act".

The CHAIRMAN. Are there any amendments to section 1?

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. PURPOSES.

The purposes of this Act shall be—

(a) to protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley basin of California;

(b) to address impacts of the Central Valley Project on fish, wildlife and associated habitats;

(c) to improve the operational flexibility of the Central Valley Project;

(d) to increase water-related benefits provided by the Central Valley Project to the State of California through expanded use of voluntary water transfers and improved water conservation; and

(e) to study transfer of the Central Valley Project to non-Federal interests; and for other purposes.

SEC. 3. DEFINITIONS.

As used in this Act:

(a) The term "anadromous fish" means those stocks of salmon (including steelhead), striped bass, sturgeon, and American shad that ascend the Sacramento and San Joaquin rivers and their tributaries and the Sacramento-San Joaquin Delta to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

(b) The terms "artificial propagation" and "artificial production" mean spawning, incubating, hatching, and rearing fish in a hatchery or other facility constructed for fish production.

(c) The term "Central Valley Habitat Joint Venture" means the association of Federal and State agencies and private parties established for the purpose of developing and implementing the North American Waterfowl Management Plan as it pertains to the Central Valley of California.

(d) The terms "Central Valley Project" or "project" mean all Federal reclamation projects located within or diverting water from or to the watershed of the Sacramento and San Joaquin rivers and their tributaries as authorized by the Act of August 26, 1937 (50 Stat. 850) and all Acts amendatory or supplemental thereto, including but not limited to the Act of October 17, 1940 (54 Stat. 1198, 1199), Act of December 22, 1944 (58 Stat. 887), Act of October 14, 1949 (63 Stat. 852), Act of September 26, 1950 (64 Stat. 1036), Act of August 27, 1954 (68 Stat. 879), Act of August 12, 1955 (69 Stat. 719), Act of June 3, 1960 (74 Stat. 156), Act of October 23, 1962 (76 Stat. 1173), Act of September 2, 1965 (79 Stat. 615), Act of August 19, 1967 (81 Stat. 167), Act of August 27, 1967 (81 Stat. 173), Act of September 28, 1976 (90 Stat. 1324), and Act of October 27, 1986 (100 Stat. 3050).

(e) The term "Central Valley Project service area" means that area of the Central Valley and San Francisco Bay Area where water serv-

ice has been expressly authorized pursuant to the various feasibility studies and consequent congressional authorizations for the Central Valley Project.

(f) The term "Central Valley Project water" means all water is diverted, stored, or delivered by the Bureau of Reclamation pursuant to water rights acquired pursuant to California law, including water made available under the so-called "exchange contracts" and Sacramento River settlement contracts.

(g) The term "Fish and Wildlife Advisory Committee" means the Central Valley Project Fish and Wildlife Advisory Committee established in section 9 of this Act.

(h) The term "full cost" has the meaning given such term in paragraph (3) of section 202 of the Reclamation Reform Act of 1982.

(i) The term "natural production" means fish produced to adulthood without direct human intervention in the spawning, rearing, or migration processes.

(j) The term "Reclamation laws" means the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto.

(k) The term "Refuge Water Supply Report" means the report issued by the Mid-Pacific Region of the Bureau of Reclamation of the United States Department of the Interior entitled Report on Refuge Water Supply Investigations, Central Valley Hydrologic Basin, California (March 1989).

(l) The term "repayment contract" and "water service contract" have the same meaning as provided in sections 9(d) and 9(e) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195), as amended.

(m) The terms "Restoration Fund" and "Fund" mean the Central Valley Project Restoration Fund established by this Act.

(n) The term "Secretary" means the Secretary of the Interior.

SEC. 4. LIMITATION ON CONTRACTING AND CONTRACT REFORM.

(a) NEW CONTRACTS.—Except as provided in subsection (b) of this section, the Secretary shall not enter into any new short-term, temporary, or long-term contracts or agreements for water supply from the Central Valley Project for any purpose other than fish and wildlife before—

(1) the provisions of subsections 6(b)-(e) of this Act are met;

(2) the California State Water Resources Control Board concludes its current review of San Francisco Bay/Sacramento-San Joaquin Delta Estuary water quality standards and determines the means of implementing such standards, including any obligations of the Central Valley Project, if any, and the Administrator of the Environmental Projection Agency shall have approved such standards pursuant to existing authorities; and,

(3) at least one hundred and twenty days shall have passed after the Secretary provides a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives explaining the obligations, if any, of the Central Valley Project system, including its component facilities and contracts, with regard to achieving San Francisco Bay/Sacramento-San Joaquin Delta Estuary water quality standards as finally established and approved by relevant State and Federal authorities, and the impact of such obligations on Central Valley Project operations, supplies, and commitments.

(b) EXCEPTION TO LIMIT ON NEW CONTRACTS.—In recognition of water shortages facing urban areas of California, and subsection (a) of this section notwithstanding, the Secretary is authorized to make available one hundred thousand acre-feet of Central Valley Project water for sale through water service contracts not to exceed twenty years in length to any California water district, agency, member district or agency, municipality, or publicly regulated water utility, without discrimination among them, for municipal and industrial purposes, except that no water shall be made available under this subsection until the State of California has entered into a binding agreement with the Secretary concerning the cost allocations set forth in section 6 of this Act. In carrying out this subsection, the Secretary shall—

(1) provide public notice of the availability of such water and be available to receive offers for such water for a period not to exceed one week in duration beginning not less than sixty days after enactment of this Act;

(2) make all such offers public immediately upon completion of the period for submission of bids established under paragraph (1) of this subsection;

(3) take such measures as are necessary to ensure that prospective agency purchasers do not engage in anti-competitive behavior;

(4) accept the offers of the water agency or agencies offering the greatest monetary payments per acre-foot of water made available by the Secretary, except that—

(A) such payment must be greater than $100 per acre-foot of contractual commitment annually and, in addition, cover all Federal costs associated with the proposed sale and delivery;

(B) delivery under the contract must be feasible using existing facilities; and

(C) the proposed use of the water must be consistent with State and Federal law.

All revenues collected by the Secretary from the contract or contracts authorized by this subsection, other than actual operation and maintenance costs, shall be covered into the Restoration Fund.

(c) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—Notwithstanding the provisions of the Act of July 2, 1956 (70 Stat. 483), the Secretary may renew any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project for a period not exceeding twenty years, except that the Secretary shall first analyze the impacts of such proposed contract pursuant to Federal and State environmental laws.

(d) ENVIRONMENTAL REVIEW OF PROPOSED CONTRACT RENEWALS.—Not later than three years after the date of enactment of this Act, the Secretary shall prepare a programmatic environmental impact statement analyzing the impacts of the potential renewal of all existing Central Valley Project water contracts, including impacts within the Sacramento, San Joaquin, and Trinity river basins, and the San Francisco Bay/Sacramento-San Joaquin River Delta and Estuary.

(e) INCLUDING RESULTS OF ENVIRONMENTAL STUDIES.—The provisions of any contract renewed under authority of subsection (c) of this section shall be subject to further modifications by the Secretary based on modifications required as a result of any environmental impact statements carried out under subsection (c) or (d) of this section.

(f) WATER IDENTIFIED FOR FISH AND WILDLIFE PURPOSES.—Any Central Valley Project water service or repayment contract entered into, renewed, or amended under this section shall provide that the Secretary may, under procedures specified in this Act, allocate a portion of the water supply contained in such contract for the purposes specified in section 6 of this Act.

(g) CHANGE IN THE APPLICATION OF THE 1956 ACT.—Notwithstanding any provision to the contrary in any existing contract, the provisions of the Act of July 2, 1956 (53 Stat. 1187, U.S.C.) shall not apply to any Central Valley Project water service or repayment contract entered into, renewed or amended under any provision of the Federal Reclamation law after December 31, 1995. After December 31, 1995, the Secretary shall not be under any obligation to enter into, renew, or amend any water service or repayment contracts in the Central Valley Project with any district or individual who has previously had such a contract prior to the date of enactment of this Act. Any Central Valley Project water service or repayment contract entered into, renewed or amended after the date of enactment of this Act and prior to December 31, 1995, shall contain the renewal provisions of the Act of July 2, 1956, for the term of such contract, and any additional renewals.

SEC. 5. WATER TRANSFERS, IMPROVED WATER MANAGEMENT AND CONSERVATION.

(a)(1) WATER TRANSFERS.—Subject to review and approval by the Secretary, all individuals or districts who receive Central Valley Project water under water service or repayment contracts entered into prior to or after the date of enactment of this Act are authorized to transfer all water subject to such contract to any other California water user or water agency, State agency, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law. Except as provided herein, the terms of such transfers shall be set by mutual agreement between the transferee and the transferor.

(2) CONDITIONS FOR TRANSFERS.—Transfers of Central Valley Project water authorized by this subsection shall be subject to the following conditions:

(A) No transfers shall be made in excess of the average annual quantity of water under contract actually delivered to the contracting district or agency between 1985 and 1989.

(B) All water under the contract which is transferred to any district or agency which is not a Central Valley Project contractor at the time of enactment of this Act shall, if used for irrigation purposes, be repaid at the greater of the full-cost or cost of service rates, or, if the water is used for municipal and industrial purposes, at the greater of the cost of service or municipal and industrial rates.

(C) No water transfers authorized under this section shall be approved unless the transfer is between a willing buyer and a willing seller under such terms and conditions as may be mutually agreed upon.

(D) No water transfer authorized under this section shall be approved unless the transfer is consistent with State law, including but not limited to, the provisions of the California Environmental Quality Act.

(E) All transfers authorized under this section shall be deemed a beneficial use of water by the transferor.

(F) All transfers in excess of 20 percent of the water in any district contract shall be approved by such district based on reasonable terms and conditions. Any review and approval of such transfer by a district shall be undertaken in a public process similar to those provided for in section 226 of Public Law 97-293.

(G) All transfers entered into pursuant to this subsection between Central Valley Project water contractors and entities outside the Central Valley Project service area shall be subject to a right of first refusal on the same terms and conditions by entities within the Central Valley Project service area. The right of first refusal must be exercised within ninety days from the date that notice is provided of the proposed transfer. Should an entity exercise the right of first refusal, it must compensate the transferee who had negotiated the agreement upon which the right of first refusal is being exercised for that entity's full costs associated with the development and negotiation of the transfer.

(H) Any water transfer approved pursuant to this subsection shall not be considered as con-

ferring supplemental or additional benefits on Central Valley Project water contractors as provided in section 203 of Public Law 97-293 (43 U.S.C. 390(cc)).

(I) No transfer shall be approved unless the Secretary has determined that the transfer will have no adverse effect on the Secretary's ability to deliver water pursuant to the Secretary's Central Valley Project contractual obligations because of limitations in conveyance or pumping capacity.

(J) The agricultural water subject to any water transfer undertaken pursuant to this subsection shall be that water that would have been consumptively used on crops had those crops been produced during the year or years of the transfer or water that would have otherwise been lost to beneficial use.

(K) No transfer shall be approved unless the Secretary determines that the program will have no significant long-term adverse impact on ground water conditions.

(b) METERING OF WATER USE REQUIRED.—All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal reclamation law after the date of enactment of this Act, shall provide that the contracting district or agency shall ensure that all surface water delivery systems within its boundaries are equipped with volumetric water meters or equally effective water measuring methods within five years of the date of contract execution, amendment, or renewal, and that any new surface water delivery systems installed within its boundaries on or after the date of contract renewal are so equipped. The contracting district or agency shall inform the Secretary and the State of California annually as to the volume of surface water delivered within its boundaries.

(c) STATE AND FEDERAL WATER QUALITY STANDARDS.—All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal reclamation law after the date of enactment of this Act, shall provide that the contracting district or agency shall be responsible for compliance with all applicable State and Federal water quality standards applicable to surface and subsurface agricultural drainage discharges generated within its boundaries.

(d) WATER CONSERVATION STANDARDS.—The Secretary shall establish and administer an office on Central Valley Project water conservation best management practices that shall, in consultation with the Secretary of Agriculture, the California Department of Water Resources, California academic institutions, and Central Valley Project water users, develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982.

(1) Criteria developed pursuant to this subsection shall be established within six months following enactment of this Act and shall be reviewed periodically thereafter, but no less than every three years, with the purpose of promoting the highest level of water use efficiency achievable by project contractors using best available technology and best management practices. The criteria shall include, but not be limited to agricultural water suppliers' efficient water management practices developed pursuant to California State law or suitable alternatives.

(2) The Secretary, through the office established under this subsection, shall review and evaluate within eighteen months following enactment of this Act all existing conservation plans submitted by project contractors to determine whether they meet the conservation and efficiency criteria established pursuant to this subsection.

(3) In developing the water conservation best management practice criteria required by this subsection, the Secretary shall take into account and grant substantial deference to the recommendations for action proposed in the Final Report of the San Joaquin Valley Drainage Program, entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

(e) INCREASED REVENUES APPLIED TO REIMBURSABLE COSTS.—Except as otherwise provided in this section, all revenues received by the Secretary under paragraph (a) of this section shall be covered to the Restoration Fund.

SEC. 6. FISH, WILDLIFE AND HABITAT RESTORATION.

(a) AMENDMENTS TO CENTRAL VALLEY PROJECT AUTHORIZATIONS—ACT OF AUGUST 26, 1937.—Section 2 of the Act of August 26, 1937 (chapter 832; 50 Stat. 850), as amended, is amended—

(1) in the second proviso of subsection (a), by inserting "and mitigation, protection, restoration and enhancement of fish and wildlife," after "Indian reservations,";

(2) in the last priviso of subsection (a), by striking "domestic uses;" and inserting "domestic uses and fish and wildlife mitigation, protection and restoration purposes;" and by striking "power" and inserting "power and fish and wildlife enhancement";

(3) by adding at the end the following: "The mitigation for fish and wildlife losses incurred as a result of construction, operation, or maintenance of the Central Valley Project shall be concurrent with such activity and shall be based on the replacement of ecologically equivalent habitat."; and

(4) by adding at the end the following:

"(e) Nothing in this Act shall limit the State's authority to condition water rights permits for the Central Valley Project to make water available to preserve, protect, or restore, fish and wildlife and their habitat.".

(b) FISH AND WILDLIFE RESTORATION ACTIVITIES.—The Secretary, in consultation with the Central Valley Project Fish and Wildlife Advisory Committee established under section 9 of this Act (hereafter "Fish and Wildlife Advisory Committee") and in cooperation with other State and Federal agencies, is authorized and directed to:

(1) Develop and implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustained, on a long-term basis, at levels not less than twice the average levels attained during the period of 1981-1990:

(A) This program shall give first priority to measures which protect and restore natural channel and riparian habitat values through direct and indirect habitat restoration actions, modifications to Central Valley Project operations, and implementation of the measures mandated by this subsection.

(B) As needed to achieve the goals of the program, the Secretary is authorized to modify Central Valley Project operations to provide from project facilities flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish.

(C) With respect to mitigation or restoration of upper San Joaquin River fish, wildlife, and habitat, the Secretary is directed to participate in the San Joaquin River Management Program under development by the State of California. In support of the objectives of the San Joaquin River Management Program and the Stanislaus and Calaveras Basin Environmental Impact Statement, and in furtherance of the purposes of this Act, the Secretary, in consultation with the Fish and Wildlife Advisory Committee and affected counties and interests, shall evaluate in-basin needs in the Stanislaus River basin, and shall investigate alternative storage, release, and delivery regimes for satisfying both in-basin and out-of-basin needs. Alternatives to be investigated shall include, but shall not be limited to, conjunctive use operations, conservation strategies, exchange arrangements, and the use of base and channel maintenance flows to assist in efforts to restore fish and wildlife populations and riparian habitat values in the San Joaquin River. Nothing in this Act or the amendments to the Act of August 26, 1937, shall be construed as requiring a re-establishment of flows between Gravely Ford and Mendota Pool for mitigation or restoration of fish, wildlife and habitat.

(D) Costs associated with this paragraph shall be reimbursable pursuant to existing statutory and regulatory procedures;

(2) Develop and implement a program for the acquisition of a water supply adequate to meet the purposes and requirements of this section. Such a program should identify how the Secretary will secure this water supply, utilizing the following options in order of priority: improvements in or modifications of the operations of the project; conservation; transfers; conjunctive use; purchase of water; purchase and idling of agricultural land; reductions in deliveries to Central Valley Project contractors.

(3) Develop and implement a program to mitigate fully for fishery impacts associated with operations of the Tracy Pumping Plant. Such program shall include, but is not limited to improvement or replacement of the fish screens and fish recovery facilities and practices associated with the Tracy Pumping Plant. Costs associated with this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(4) Develop and implement a program to mitigate fully for fishery impacts resulting from operations of the Contra Costa Canal Pumping Plant No. 1. Such program shall provide for construction and operation of fish screening and recovery facilities, and for modified practices and operations. Costs associated with this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(5) Install and operate a structural temperature control device at Shasta Dam to control water temperatures in the Upper Sacramento River in order to protect all life stages of anadromous fish in the Upper Sacramento River from Keswick Dam to Red Bluff Diversion Dam. Costs associated with planning and construction of the structural temperature control device shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(6) Meet flow standards and objectives and diversion limits set forth in all existing State regulatory and judicial decisions which apply to Central Valley Project facilities.

(7) Investigate the feasibility of using short pulses of increased water flows to increase the survival of migrating juvenile anadromous fish in the Sacramento San Joaquin Delta and Central Valley rivers and streams. Costs associated with implementation of this subparagraph shall be reimbursed in accordance with the following formula; 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be

considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(8) Develop and implement a program which will eliminate, to the extent possible, losses of anadromous fish due to flow fluctuations cause by the operation of any Central Valley Project storage facility. The program shall be patterned after the agreement between the California Department of Water and Resources and the California Department of Fish and Game with respect to the operation of the California State Water Project Oroville Dam complex.

(9) Develop and implement measures to correct fish passage problems for adult and juvenile anadromous fish at the Red Bluff Diversion Dam. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main for its efficient operation at all project flow release levels. The operation of Coleman National Fish Hatchery shall be coordinated with all other mitigation hatcheries in California. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula; 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(11) Develop and implement a program to restore the natural channel and habitat values of Clear Creek, construct new fish passage facilities at the McCormick-Saeltzer Dam, and provide flows in Clear Creek to provide optimum spawning, incubation, rearing and outmigration conditions for all races of salmon and steelhead trout. Flows shall be provided by the Secretary from Whiskeytown Dam as determined by instream flow studies conducted jointly by the California Department of Fish and Game and U.S. Fish and Wildlife Service. Costs associated with providing the flows required by this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California. Costs associated with channel restoration and passage improvements required by this paragraph shall be allocated 50 percent to the United States as a nonreimbursable expenditure and 50 percent of the State of California.

(12) Develop and implement a program for the purpose of restoring and replenishing, as needed, spawning gravel lost due to the construction and operation of Central Valley Project dams, bank protection programs, and other actions that have reduced the availability of spawning gravel in the rivers impounded by Central Valley Project facilities. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(13) Develop and implement a program which provides, as appropriate, for closure of the Delta Cross Channel and Georgiana Slough during times when significant numbers of striped bass eggs, larvae, and juveniles approach the Sacramento River intake to the Delta Cross Channel or Georgiana Slough. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(14) Construct, in cooperation with the State of California, a barrier at the head of Old River to be operated on a seasonal basis to increase the survival of young out migrating salmon that are diverted from the San Joaquin River to Central Valley Project and State Water Project pumping plants. The cost of constructing, operating and maintaining the barrier shall be shared equally by the State of California and the United States. The United States' share of costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered as nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(15) In support of the objectives of the Central Valley Habitat Joint Venture, deliver firm water supplies of suitable quality to maintain and improve wetland habitat on units of the National Wildlife Refuge System in the Central Valley of California, the Gray Lodge, Los Banos, Volta, North Grasslands, and Mendota state wildlife management areas, and the Grasslands Resource Conservation District in the Central Valley of California.

(A) Upon enactment of this Act, the quantity and delivery schedules of water for each refuge shall be in accordance with Level 2 of the "Dependable Water Supply Needs" table for that refuge as set forth in the Refuge Water Supply Report or two-thirds of the water supply needed for full habitat development for those refuges identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. Such water shall be delivered until the water supply provided for in subparagraph (B) of this paragraph is provided.

(B) Not later than ten years after enactment of this Act, the quantity and delivery schedules of water for each refuge shall be in accordance with level 4 of the "Dependable Water Supply Needs" table for that refuge as set forth in the Refuge Water Supply Report or the full water supply needed for full habitat development for those refuges identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation, 37.5 percent of the costs associated with implementation of this paragraph shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(C) The Secretary is authorized to construct such water conveyance facilities and wells as are necessary to implement this paragraph. The increment of water required to fulfill subparagraph (B) of this paragraph shall be acquired by the Secretary through voluntary water conservation, conjunctive use, purchase, lease, donations, or similar activities, or a combination of such activities which do not require involuntary reallocation of project yield. The priority or priorities applicable to such incremental water deliveries for the purpose of shortage allocation shall be the priority or priorities which applied to the water in question prior to its transfer to the purpose of providing such increment.

(16) Establish a comprehensive assessment program to monitor fish and wildlife resources in the Central Valley and to assess the biological results of actions implemented pursuant to this section. Of the costs associated with implementation of this paragraph, 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(17) Develop and implement a plan to resolve fishery passage problems at the Anderson-Cottonwood Irrigation District Diversion Dam. Costs associated with implementation of this paragraph shall be allocated 50 percent to the United States as a nonreimbursable expenditure and 50 percent to the State of California.

(18) If requested by the State of California, assist in developing and implementing management measures to restore the striped bass fishery of the Bay-Delta estuary. Costs associated with implementation of this paragraph shall be allocated 50 percent to the United States as a reimbursable expenditure and 50 percent to the State of California. The United States' share of costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 50 percent shall be reimbursed as main project features and 50 percent shall be considered a nonreimbursable Federal expenditure.

(19) Evaluate and revise, as appropriate, existing operational criteria in order to maintain minimum carryover storage at Sacramento and Trinity river reservoirs sufficient to protect and restore the anadromous fish of the Sacramento and Trinity rivers in accordance with the mandates and requirements of this subsection.

(20) Participate with the State of California and other Federal agencies in the implementation of the on-going program to mitigate fully for the fishery impacts associated with operations of the Glenn-Colusa Irrigation District's Hamilton City Pumping Plant. Such participation shall include replacement of the defective fish screens and fish recovery facilities associated with the Hamilton City Pumping Plant. This authorization shall not be deemed to supersede or alter existing authorizations for the participation of other Federal agencies in the mitigation program. Of the costs associated with implementation of this paragraph, 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(21) Install a temperature control device on Lewiston Dam to converse cold water for fishery protection, provided that the cost of such device shall not exceed $1,500,000. Such devices, with the same cost restriction, may also be installed on the Trinity and Whiskeytown dams if the Secretary deems it appropriate. Of the costs associated with implementation of this paragraph, 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

If the Secretary and the State of California determine that long-term natural fishery productivity in the Sacramento River, American River, and San Joaquin River resulting from implementation of this section is better than conditions that existed in the absence of Central Valley Project facilities, any enhancement provided shall become credits to offset reimbursable costs associated with implementation of this section.

(c) ADDITIONAL HABITAT RESTORATION ACTIONS.—Not later than five years after enactment of this Act, the Fish and Wildlife Advisory Committee shall investigate and provide recommendations to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House on the following subjects:

(1) Alternative means of improving the reliability and quality of water supplies currently available to privately owned wetlands in the Central Valley and the need, if any, for additional supplies.

(2) Water supply and delivery requirements necessary to permit full habitat development for water dependent wildlife on one hundred twenty thousand acres supplemental to the acreage referenced in paragraph (b)(15) of this section and feasible means of meeting that water supply requirement.

(3) Measures to maintain suitable temperatures for anadromous fish survival in the Sacramento and San Joaquin rivers and their tribu-

taries, and the Sacramento-San Joaquin Delta by controlling or relocating the discharge of irrigation return flows and sewage effluent, and restoring riparian forests.

(4) Opportunities for additional hatchery production to mitigate the impacts of water development on Central Valley fisheries where no other feasible means of mitigation is available.

(5) Measures to eliminate losses of juvenile anadromous fish resulting from unscreened or inadequately screened diversions on the Sacramento and San Joaquin rivers, their tributaries, and in the Sacramento-San Joaquin Delta, including measures such as construction of screens on unscreened diversions, rehabilitation of existing screens, replacement of existing non-functioning screens, and relocation of diversions to less fishery-sensitive areas.

(6) Measures to eliminate barriers to upstream migration of adult salmonids in the Central Valley, including removal programs or programs for the construction of new fish ladders.

(7) Construction of temperature control structures on Trinity, Lewiston, and Whiskeytown dams to conserve cold water for fishery protection.

(d) REPORT ON PROJECT FISHERY IMPACTS.—The Secretary, in consultation with the Secretary of Commerce, the State of California, appropriate Indian tribes, and other appropriate public and private entities, shall investigate and report on all effects of the Central Valley Project on anadromous fish populations and the fisheries, communities, tribes, businesses and other interests and entities that have now or in the past had significant economic, social or cultural association with those fishery resources. The Secretary shall provide such report to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House of Representatives not later than one year after the date of enactment of this Act.

(e) ECOSYSTEM AND WATERSYSTEM OPERATIONS MODELS.—The Secretary, in cooperation with the State of California and in consultation with the Fish and Wildlife Advisory Committee, and other relevant interests and experts, shall develop readily usable and broadly available models and supporting data to evaluate the ecologic and hydrologic effects of existing and alternative operations of public and private water facilities and systems in the Sacramento, San Joaquin, and Trinity river watersheds. The primary purpose of this effort shall be to support the Secretary's efforts in fulfilling the requirements of this Act through improved scientific understanding concerning, but not limited to, the following:

(1) A comprehensive water budget of surface and ground water supplies, considering all sources of inflow and outflow available over extended periods.

(2) Water quality.

(3) Surface-ground and stream-wetland interactions.

(4) Measures needed to restore anadromous fisheries to optimum and sustainable levels in accordance with the restored carrying capacities of Central Valley rivers, streams, and riparian habitats.

(5) Development and use of base flows and channel maintenance flows to protect and restore natural channel and riparian habitat values.

(6) Implementation of operational regimes at State and Federal facilities to increase springtime flow releases, retain additional floodwaters, and assist in restoring both upriver and downriver riparian habitats.

(7) Measures designed to reach sustainable harvest levels of resident and anadromous fish, including development and use of systems of tradeable harvest rights.

(8) Opportunities to protect and restore wetland and upland habitats throughout the Central Valley.

(9) Measures to enhance the firm yield of existing Central Valley Project facilities, including improving management and operations, conjunctive use opportunities, development of offstream storage, levee setbacks, and riparian restoration.

In implementing this subsection, all studies and investigations shall take into account and be fully consistent with the fish, wildlife, and habitat protection and restoration measures required by this Act or by any other State or Federal law, statute, or regulation. One-half of the costs associated with implementation of this subsection shall be borne by the United States as a nonreimbursable cost, the other half shall be borne by the State of California.

SEC. 7. RESTORATION FUND.

(a) RESTORATION FUND ESTABLISHED.—There is hereby established in the Treasury of the United States the "Central Valley Project Restoration Fund" (hereafter "Restoration Fund") which shall be available for deposit of donations from any source and revenues provided under this Act. Funds made available to the Restoration Fund are authorized to be appropriated to the Secretary to carry out the provisions of sections 8(c), section 8(i), and the habitat restoration, improvement, and acquisition (from willing sellers) provisions of this Act.

(b) MAXIMUM SURCHARGE ON WATER AND POWER SALES.—The Secretary shall impose an annual operations and maintenance charge on all sales of project power and water sufficient to generate $15,000,000 (October 1991 price levels) to be deposited in the Restoration Fund. The amount of the charge paid by Central Valley Project water and power users shall be assessed in the same proportion as their cost allocation.

(c) FUNDING TO NON-FEDERAL ENTITIES.—If the Secretary determines that the State of California or an agency thereof, or other nonprofit entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values is best able to implement an action authorized by this Act in an efficient, timely, and cost effective manner, the Secretary is authorized to provide funding to such entity to implement the identified action.

(d) LIMITATION OF EXPENDITURES.—The Secretary shall not expend any funds on construction of capital facilities authorized under section 6 of this Act as to which the State of California is required to contribute a share of total costs until the State of California has agreed to meet such cost sharing requirement.

SEC. 8. ADDITIONAL AUTHORITIES.

(a) REGULATIONS AND AGREEMENTS AUTHORIZED.—The Secretary is authorized and directed to promulgate such regulations and enter into such agreements as may be necessary to implement the intent, purposes, and provisions of this Act.

(b) USE OF ELECTRICAL ENERGY.—Electrical energy used to operate and maintain facilities developed for fish and wildlife purposes pursuant to this Act, including that used for ground water development, shall be deemed as Central Valley Project power and shall be repaid by the user in accordance with Reclamation law and at a price not higher than the lowest price paid by or charged to Central Valley Project contractors.

(c) ACQUISITION OF ADDITIONAL WATER SUPPLY.—In order to carry out the intent, purposes, and provisions of this Act, the Secretary is authorized to obtain water supplies from any source available to the Secretary, including, but not limited to direct purchase from willing sellers of water, acquisition of land and associated ground and surface water rights, water made available from conjunctive use projects, and implementation of on-farm water conservation practices where water conserved thereby will be made available to the Secretary.

(d) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—The Secretary is authorized to enter into contracts pursuant to Reclamation law and this Act with any Federal agency, California water user or water agency, State agency, or private nonprofit organization for the exchange, impoundment, storage, carriage, and delivery of Central Valley Project and nonproject water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose, except that nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99-546 (100 Stat. 3051).

(e) USE OF PROJECT FOR WATER BANKING.—The Secretary, in consultation with the State of California, is authorized to enter into agreements to allow project contracting entities to use project facilities, where such facilities are not otherwise committed or required to fulfill project purposes or other Federal obligations, for supplying carry-over storage of irrigation and other water for drought protection, multiple-benefit credit-storage operations, and other purposes. The use of such water shall be consistent with and subject to applicable State laws.

(f) LIMITATION ON CONSTRUCTION.—This Act does not and shall not be interpreted to authorize construction of water storage facilities.

(g) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of the first full fiscal year after enactment of this Act, and annually thereafter, the Secretary shall submit a detailed report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Such report shall describe all significant actions taken by the Secretary pursuant to this Act and progress toward achievement of the intent, purposes, and provisions of this Act. Such report shall include recommendations for authorizing legislation or other measures, if any, needed to implement the intent, purposes, and provisions of this Act.

(h) RECLAMATION LAW.—This Act shall amend and supplement the Act of June 17, 1902, and Acts supplementary thereto and amendatory thereof.

(i) LAND RETIREMENT.—(1) The Secretary is authorized to purchase from willing sellers at fair-market-value land and associated water rights and other property interests identified in subsection (2) which receives Central Valley Project water under a contract executed with the United States.

(2) The Secretary is authorized to purchase, under the authority of subsection (i)(1), and pursuant to such rules and regulations as may be adopted or promulgated to implement the provisions of this subsection, agricultural land which, in the opinion of the Secretary—

(A) would, if permanently retired from irrigation, improve water conservation by a district, or improve the quality of an irrigation district's agricultural wastewater and assist the district in implementing the provisions of a water conservation plan approved under section 210 of the Reclamation Reform Act of 1982 and agricultural wastewater management activities developed pursuant to the recommendations contained in the final report of the San Joaquin Valley Drainage Program (September, 1990); or

(B) are no longer suitable for sustained agricultural production because of permanent damage resulting from severe drainage or agricultural wastewater management problems, ground water withdrawals, or other causes.

(j) WATER CONSERVATION.—(1) The Secretary is authorized to undertake, in cooperation with Central Valley Project irrigation contractors, water conservation projects or measures needed

to meet the requirements of this Act. The Secretary shall execute a cost-sharing agreement for any such project or measure undertaken. Under such agreement, the Secretary is authorized to pay up to 100 percent of the costs of such projects or measures. Any water saved by such projects or measures shall be made available to the Secretary in proportion to the Secretary's contribution to the total cost of such project or measure. Such water shall be used by the Secretary to meet the Secretary's obligations under this Act, including the requirements of section 6(b)(2). Such projects or measures must be implemented fully by the end of fiscal year 1999.

(2) There are authorized to be appropriated through the end of fiscal year 1997 $—— million to carry out the provisions of this subsection. Funds appropriated under this subsection shall be a nonreimbursable Federal expenditure.

(k) CITIZEN SUITS.—(1) Any person may commence a civil suit in his or her own behalf against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under sections 4, 5, 6, 7, 8, and 12 of this Act which is not discretionary with the Secretary.

(2) The court may award costs of litigation (including reasonable expenses and attorney and expert witness fees) to any party other than the United States whenever the court determines such award is appropriate.

(3) The relief provided by this section shall not restrict any right which any person (or class of persons) may otherwise have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief.

(4) The district courts shall have jurisdiction to prohibit or prevent any violation of this Act, to compel any action required by this Act, and to issue any other order to further the purposes of this Act. An action under this section may be brought in any judicial district where the alleged violation occurred or is about to occur, where fish or wildlife resources affected by the alleged violation are located, or in the District of Columbia.

SEC. 9. CENTRAL VALLEY PROJECT FISH AND WILDLIFE ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the "Central Valley Project Fish and Wildlife Advisory Committee," hereafter referred to as the "Fish and Wildlife Advisory Committee".

(b) DUTIES.—The Fish and Wildlife Advisory Committee shall make recommendations to the Secretary with respect to the fish, wildlife, and environmental restoration actions identified in section 6. Such recommendations shall be advisory in nature and shall not be binding on the Secretary, however, the Secretary shall give substantial deference to such recommendations in carrying out responsibilities under this Act. Should the Secretary not implement any recommendations made by the Fish and Wildlife Advisory Committee, the Secretary shall notify the Committee in writing and explain the reasons for rejecting the recommendation.

(c) APPOINTMENT AND MEMBERSHIP.—The Fish and Wildlife Advisory Committee shall be comprised of the Secretary and the Governor of California, or their designees, and twenty additional members appointed by the Secretary in consultation with the Governor to represent, in equal numbers; the California environmental and conservation interests' agricultural water users; urban water users; a representative of Central Valley Project power users; and, a representative of the Hoopa Valley Tribe.

(d) TERMS.—The term of a member of the Fish and Wildlife Advisory Committee shall be five years, except that three members each from the environmental and conservation interests, agricultural water users, and urban water users shall be appointed for an initial term of three years. Any vacancy on the Committee shall be filled in the same manner as the original appointment.

(e) CHAIRMANSHIP AND VOTING.—The Fish and Wildlife Advisory Committee shall be cochaired by the Secretary and the Governor of California, or their designees. The Committee shall meet at the call of the cochairs or upon the request of a majority of its members. The Committee shall operate with the objective of achieving consensus, but may provide recommendations based on a majority vote.

(f) ADMINISTRATION.—The Secretary, in cooperation with the State of California, shall provide the Fish and Wildlife Advisory Committee with necessary administrative and technical support service, including information relevant to the functions of the Committee. The Committee shall determine its organization and prescribe the practices and procedures for carrying out its functions, and may establish committees or working groups of technical representatives of Committee members to advise the Committee on specific matters.

(g) EXPENSES.—While away from their homes or regular places of business in the performance of service for the Fish and Wildlife Advisory Committee, members and their technical representatives shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in government service are allowed travel expenses under section 5703 of title 5, United States Code. Any Committee member or technical representative who is an employee of an agency or governmental unit of the United States or State of California and is eligible for travel expenses from that agency or unit for performing services for the Committee shall not be eligible for travel expenses under this subsection.

(h) GOVERNMENT EMPLOYEES.—Members of the Fish and Wildlife Advisory Committee and technical representatives who are full-time officers or employees of the United States or the State of California shall receive no additional pay, allowances, or benefits by reason of their service on the Committee.

(i) FEDERAL ADVISORY COMMITTEE ACT.—Except as provided in this section, the terms and provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended, (5 U.S.C. App. 2), shall apply to the Fish and Wildlife Advisory Committee.

(j) TERMINATION.—The Fish and Wildlife Advisory Committee shall cease to exist on December 31, 2010.

SEC. 10. CENTRAL VALLEY PROJECT TRANSFER ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the "Central Valley Project Transfer Advisory Committee," hereafter referred to as the "Transfer Advisory Committee."

(b) MEMBERSHIP.—The Transfer Advisory Committee shall be comprised of sixteen individuals, appointed as follows:

(1) Eight appointed by the Governor of California, one to represent each of the following organizations and interests:

(A) California Resources Agency;

(B) California State Water Resources Control Board;

(C) Central Valley Project agricultural water contractors;

(D) Central Valley Project municipal and industrial water contractors;

(E) Central Valley Project power contractors;

(F) environmental organizations;

(G) waterfowl conservation organizations; and

(H) fishery conservation organizations.

(2) One appointed by the president pro tempore of the California State Senate.

(3) One appointed by the Speaker of the California State Assembly.

(4) Two appointed by the Secretary of the United States Department of the Interior to represent individually the United States Fish and Wildlife Service and Bureau of Reclamation.

(5) The Inspector General of the Department of the Interior or his or her designee.

(6) The Administrator of the Environmental Protection Agency of his or her designee.

(7) the Comptroller General of the United States or his or her designee.

(8) One appointed by the Hoopa Valley Tribe.

(c) DUTIES.—The Transfer Advisory Committee shall prepare a report to Congress and the President on all issues associated with transfer of all Central Valley Project facilities and assets, assuming, first, that the transfer would be to the State of California, assuming, second that the transfer would be to Central Valley Project contractors, and assuming, third, that the transfer would be to a Commission with the members appointed by the Governor of California and the Secretary that would jointly operate the California State Water Project and the Central Valley Project. The Transfer Advisory Committee shall provide recommendations on which of these transfer options best serves the interests of the United States and the State of California, and on legislative and administrative measures required to execute such transfer which would ensure that—

(1) the fish and wildlife protection and restoration goals of this Act are achieved;

(2) the reserved fishing and water rights of affected Indian tribes are preserved, and the ability of the United States to meet its trust obligations with respect to such tribal assets is maintained;

(3) the Secretary's contractual obligations and rights associated with the Central Valley Project are fulfilled;

(4) the operations of the Central Valley Project and the California State Water Project are integrated to the maximum extent practicable; and

(5) Federal expenditures associated with the Central Valley Project are minimized.

(d) CHAIRMANSHIP AND VOTING.—The Transfer Advisory Committee shall be cochaired by the Inspector General of the U.S. Department of the Interior and any individual selected by the Governor of California from among the Transfer Advisory Committee members appointed by the Governor of California pursuant to paragraph (a)(1) of this section. The Committee shall operate with the objective of achieving consensus, but may provide recommendations based on a majority vote.

(e) FEDERAL ADVISORY COMMITTEE ACT.—Except as provided herein, the terms and provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App. 2), shall apply to the Advisory Committee.

(f) ADMINISTRATOR.—The Secretary, in cooperation with the State of California, shall provide the Transfer Advisory Committee with necessary administrative and technical support service, including information relevant to the functions of the Committee. The Committee shall determine its organization and prescribe the practices and procedures for carrying out its functions, and may establish committees or working groups of technical representatives of Committee members to advise the Committee on specific matters.

(g) EXPENSES.—While away from their homes or regular places of business in the performance of service for the Transfer Advisory Committee, members and their technical representatives shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in government service are allowed travel expenses under section 5703 of title 5, United States Code. Any Committee member or tech-

nical representative who is an employee of an agency or governmental unit of the United States or State of California and is eligible for travel expenses from that agency or unit for performing services for the Committee shall not be eligible for travel expenses under this subsection.

(h) GOVERNMENT EMPLOYEES.—Members of the Transfer Advisory Committee and technical representatives who are full-time officers or employees of the United States or the State of California shall receive no additional pay, allowances, or benefits by reason of their service on the Committee.

(i) REGULAR MEETINGS REQUIRED.—The Transfer Advisory Committee shall meet at the call of the cochairs and, in any event, not less than once every three months following enactment of this Act.

(j) DEADLINE FOR SUBMISSION OF REPORT.—The Transfer Advisory Committee shall submit the report as required by subsection (c) of this section not later than December 31, 1993. The report shall be submitted to the President of the United States, the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Interior and Insular Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives.

(k) TERMINATION.—The Transfer Advisory Committee shall terminate ninety days after submission of such report.

SEC. 11. SAN FRANCISCO BAY AND DELTA WETLAND RESTORATION PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary, in cooperation with the Secretary of the Army, and in consultation with the State of California, San Francisco Bay area port authorities, fishery and waterfowl conservation interests, and the Fish and Wildlife Advisory Committee shall investigate and, if feasible, develop and implement a program using dredged material to restore, protect, and expand San Francisco Bay and Delta wetlands for the purposes of recruitment and survival of waterfowl, fish, and other wetland dependent species, flood control, water quality improvement, and sedimentation control.

(b) SPECIFIC CONSIDERATIONS.—The program developed under this section shall consider a broad range of upland disposal and give emphasis to restoration, protection, and expansion of wetlands supporting abundant and diverse wetland ecosystems, including, but not limited to—

(1) high primary productivity and functioning food chains;

(2) seasonal values for waterfowl breeding, nesting, staging, and wintering;

(3) habitat values for migrating anadromous fish; and

(4) protection from predation and disease.

(c) QUALITY OF DREDGE MATERIALS.—The program developed under this section shall ensure that dredge materials used for wetland restoration, protection, or expansion shall be of appropriate quality for such purposes.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Funds appropriated under this section shall remain available until expended.

AMENDMENT OFFERD BY MR. RHODES

Mr. RHODES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RHODES: At the end of the bill add the following new title:

TITLE .—SIPHON REPAIR AND REPLACEMENT

SEC. 01. FINDING.

Congress finds that the prestressed concrete pipe siphons installed in the Hayden-Rhodes Aqueduct portion of the Central Arizona Project designed and constructed by the Secretary pursuant to the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.) have been determined to be defective, inadequate and unsuitable for aqueduct purposes and must replaced or substantial repairs completed for the transfer of the operation of the Project to its local sponsor.

SEC. 02. NONREIMBURSABILITY.

Notwithstanding any other provision of law or contract, costs incurred in the repair modification or replacement, together with associated costs, of the Hayden-Rhodes Aqueduct siphons at Salt River, New River, Hassayampa River, Jackrabbit Wash, Centennial Wash and Agua Fria River, all features of the Central Arizona Project, shall be borne by the United States and shall be nonreimbursable and nonreturnable.

Mr. RHODES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

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Mr. RHODES. Mr. Chairman, this amendment is for the purpose of recognizing that six siphons on the Hayden-Rhodes Aqueduct of the central Arizona project have been found to be defective, inadequate, and unsuitable for aqueduct purposes, and must be replaced or substantial repairs completed before the transfer of the project to its local sponsor.

These defects occurred during design and construction and were of no fault or burden of the local sponsors to the State of Arizona. Therefore, the amendment directs that the repairs or replacement take place, and that the costs associated therewith shall not be designated as reimbursable costs of the State of Arizona.

Mr. Chairman, I know of no controversy connected to the amendment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have had a chance to examine the amendment. As the gentleman quite correctly states, some very, very serious mistakes were made during the design and construction of the CAP water delivery system. If these repairs are not made immediately we risk the chance of catastrophic failure of this siphon system. We support the amendment of the gentleman from Arizona [Mr. RHODES].

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the minority has looked at the amendment also, and we find no objection, and we accept it on this side.

Mr. RHODES. I thank the gentleman.

Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

MODIFICATION TO AMENDMENT OFFERED BY MR. RHODES

The CHAIRMAN. The gentleman has sent to the desk an amendment which was not the amendment that was printed in the report. The Chair wants to make sure we have the right amendment. Does the gentleman desire to have considered the amendment that he submitted to the desk?

Mr. RHODES. Mr. Chairman, I ask unanimous consent that the amendment that was sent to the desk be considered as the amendment which was printed in the report.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the amendment, as modified, is as follows:

At the end of the bill, insert the following new section:

SEC. . SIPHON REPAIR AND REPLACEMENT.

(a) Congress finds that the prestressed concrete pipe siphons installed in the Hayden-Rhodes Aqueduct portion of the Central Arizona Project designed and constructed by the Secretary pursuant to the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.) have been determined to be defective, inadequate and unsuitable for aqueduct purposes and must be replaced or substantial repairs completed for the transfer of the operation of the Project to its local sponsor.

(b) Notwithstanding any other provision of law or contract, costs incurred in the repair, modification or replacement, together with associated costs, or the Hayden-Rhodes Aqueduct siphons at Salt River, New River, Hassayampa River, Jackrabbit Wash, Centennial Wash and Agua Fria River, all features of the Central Arizona Project, shall be borne by the United States and shall be nonreimbursable and nonreturnable.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Arizona [Mr. RHODES].

The amendment as modified was agreed to.

AMENDMENTS EN BLOC OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer amendments en bloc.

The Clerk reads as follows:

Amendments en bloc offered by Mr. JONES of North Carolina:

1. On page 4, line 18, strike the words "Committee on Interior and Insular Affairs" and insert the words "Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries".

2. On page 7, line 3, strike the words "modifications required as a result of".

3. On page 8, line 19, before the words "25 percent" insert "As determined by the Secretary.".

4. On page 14, line 5, after the word "develop" insert the words "within 18 months of enactment".

5. On page 14, strike lines 13–16 and insert the following:

"(B) As needed to achieve the goals of the program, the Secretary is authorized and directed to modify Central Valley Project operations to provide flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish. Instream flow needs for all CVP controlled streams and rivers shall be determined jointly by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

6. On page 15, after line 13, insert the following new paragraph (2) and renumber subsequent paragraphs accordingly:

"(2) Upon enactment of this Act, and after implementing the operational changes authorized in subsection (b)(1)(B), make available project water for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this section, except that such water shall be in addition to that required to implement subsections (b)(6) and (b)(15)(A). This water may be assigned immediately to supplement instream flows. The U.S. Fish and Wildlife Service shall conduct studies and monitoring activities as may be necessary to determine the effectiveness of such flows in meeting the goal established in subsection (b)(1). At the end of the initial five year period, the Secretary shall adjust the quantity or water assigned as necessary to meet the goal.

7. On page 17, line 2, strike the word "existing".

8. On page 25, line 4, strike the word "adult" and insert before the word "migration" the words "and downstream".

9. On page 25, line 17, strike the words "one year" and insert the words "two years".

10. On page 30, line 2, strike the words "Committee on Interior and Insular Affairs" and insert the words "Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries".

11. On page 33, strike lines 3 through 13, and insert the following:

"(c) APPOINTMENT AND MEMBERSHIP.—The Fish and Wildlife Advisory committee shall be comprised of the Director of the U.S. Fish and Wildlife Service and the Governor of California, or their designees, and twenty additional members appointed by the Secretary in consultation with the Governor to provide—

"(1) ten representatives of environmental and conservation interests (including one representative of the Hoopa Valley Tribe); and

"(2) ten representatives of agricultural and urban water users (including one representative of Central Valley Project power users)

"(d) TERMS.—The term of a member of the Fish and Wildlife Advisory Committee shall be five years, except that five of the members appointed pursuant to subsection (c)(1) and five of the members pursuant to subsection (c)(2) shall be appointed for an initial term of three years. Any vacancy on the Committee shall be filled in the same manner as the original appointment."

12. On page 33, line 15, strike the word "Secretary" and insert the words "Director of the U.S. Fish and Wildlife Service".

13. On page 39, line 1, strike the words "Committee on Interior and Insular Affairs" and insert the words "Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries".

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MODIFICATION OF AMENDMENT EN BLOC OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent that amendment No. 1 as printed in the report of the Committee on Rules be revised to reflect the page and line numbers in the printed bill, and I further ask unanimous consent that the amendment so revised be considered as read and printed in the RECORD.

The CHAIRMAN. Without objection, the reading of the modification will be dispensed with.

There was no objection.

The CHAIRMAN. Is there objection to the initial request of the gentleman from North Carolina that the amendments en bloc be modified?

There was no objection.

The text of the amendments en bloc, as modified, is as follows:

Amendments en bloc as modified offered by Mr. JONES of North Carolina:

1. On page 6, lines 22–23, strike the words "Committee on Interior and Insular Affairs" and insert the words "Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries".

2. On page 9, lines 19–20, strike the words "modifications required as a result of".

3. On page 18, line 4, after the word "Develop" insert the words "within 18 months of enactment".

4. On page 18, strike lines 18–23 and insert the following:

"(B) As needed to achieve the goals of the program, the Secretary is authorized and directed to modify Central Valley Project operations to provide flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish. Instream flow needs for all Central Valley Project controlled streams and rivers shall be determined jointly by the U.S. Fish and Wildlife Service and the California Department of Fish and Game."

5. On page 20, after line 5, insert the following new paragraph (2) and renumber subsequent paragraphs accordingly:

"(2) Upon enactment of this Act, and after implementing the operational changes authorized in subsection (b)(1)(B), make available project water for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this section, except that such water shall be in addition to that required to implement subsections (b)(6) and (b)(15)(A). This water may be assigned immediately to supplement instream flows. The U.S. Fish and Wildlife Service shall conduct studies and monitoring activities as may be necessary to determine the effectiveness of such flows in meeting the goal established in subsection (b)(1). At the end of the initial five year period, the Secretary shall adjust the quantity of water assigned as necessary to meet the goal."

6. On page 22, line 4, strike the word "existing".

7. On page 32, line 17, insert before the word "migration" the words "and downstream" and strike the word "adult".

8. On page 33, line 11, strike the words "one year" and insert the words "two years".

9. On page 38, line 25 and page 39, line 1, strike the words "Committee on Interior and Insular Affairs." and insert the words "Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries.".

10. Beginning on page 42, strike line 23 through line 13 on page 43, and insert the following:

"(c) APPOINTMENT AND MEMBERSHIP.—The Fish and Wildlife Advisory Committee shall be comprised of the Director of the U.S. Fish and Wildlife Service and the Governor of California, or their designees, and twenty additional members appointed by the Secretary in consultation with the Governor to provide—

"(1) ten representatives of environmental and conservation interests (including one representative of the Hoopa Valley Tribe); and

"(2) ten representatives of agricultural and urban water users (including one representative of Central Valley Project power users).

"(d) TERMS.—The term of a member of the Fish and Wildlife Advisory Committee shall be five years, except that five of the members appointed pursuant to subsection (c)(1) and five members appointed pursuant to subsection (c)(2) shall be appointed for an initial term of three years. Any vacancy on the Committee shall be filled in the same manner as the original appointment."

11. On page 43, line 15, strike the word "Secretary" and insert the words "Director of the U.S. Fish and Wildlife Service".

12. On page 50, lines 2–3, strike the words "Committee on Interior and Insular Affairs" and insert the words "Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries".

Mr. JONES of North Carolina. Mr. Chairman, my committee received a joint referral of H.R. 5099. However, because time is so short in this session, and because Mr. MILLER has been very gracious in accommodating our committee's interest, I have agreed to forgo committee action.

My amendment addresses several issues that require technical correction and clarification. It makes a few additional changes which will enhance restoration of fish and wildlife populations.

The amendment provides that the California Department of Fish and Game and the U.S. Fish and Wildlife Service shall jointly establish the instream flows needed to meet the objective of doubling migratory fish populations by the year 2002. It also provides the Secretary with the discretion to supplement those flows as needed to meet the overall fish, wildlife, and habitat restoration purposes of the bill. I want to emphasize that this authority to supplement flows is entirely discretionary.

The amendment also changes the Fish and Wildlife Advisory Committee established in section 9. As it currently stands, this committee cannot be fairly characterized as a Fish and Wildlife Advisory Committee since a full two-thirds of the members represent water users.

My amendment would split the membership equally between fish and wild-

life conservation interests and water user interests. This will provide for much better advice to the Secretary on this crucial issue.

My amendment attempts to improve the bill. I think it does so, and I ask for support from my colleagues.

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

Mr. THOMAS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a question on the amendment on page 14 that strikes lines 13 and 16 and inserts the following, where it says that "the Secretary is authorized and directed." It indicates that the "instream flow for the CVP control streams and rivers shall be determined jointly by U.S. Fish and Wildlife Service and the California Department of Fish and Game."

Is that authorization and direction of the Secretary mandatory or discretionary; that is, does the Secretary control the project, or does the U.S. Fish and Wildlife Service and the California Department of Fish and Game, when they decide jointly, control the Secretary?

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think this is reflective of what now has become the current situation. As the gentleman knows, in the water-short years over the last 6 or 7 years, we find that we are unable any longer to operate this project in a vacuum. The Secretary in fact now is operating the project, especially in the northern part of the State, in conjunction with trying to avoid a court-imposed directive to do so, in conjunction with these two agencies, to try to determine those instream flows, time of release, offstream storage, time of year of release, if you will.

This is to reflect that, because it does what we are afraid the court eventually is going to do through court order. We would rather do it legislatively than have the court impose that effort on the system. It is mandatory.

Mr. THOMAS of California. Does the gentleman's answer mean that the Secretary is directed?

Mr. MILLER of California. That is correct.

Mr. THOMAS of California. He has no discretion over the information given him by a State agency; if they agree jointly with another Federal agency, the Secretary is a directed agent to carry out their request?

Mr. MILLER of California. Yes.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from North Carolina [Mr. JONES].

The amendments en bloc, as modified, were agreed to.

AMENDMENT OFFERED BY MR. THOMAS OF WYOMING

Mr. THOMAS of Wyoming. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS of Wyoming: At the end of the bill, insert the following new section:

SEC. . BUFFALO BILL DAM AND RESERVOIR, SHOSHONE PROJECT, PICK-SLOAN MISSOURI BASIN PROGRAM, WYOMING.

There are authorized to be appropriated such sums as may be required due to increased costs of construction attributable to delays in enactment of any additional authorization of appropriations for the construction of the Buffalo Bill Dam and Reservoir modifications and recreational facilities: *Provided*, that such additional sums shall be nonreimbursable and nonreturnable under the Federal reclamation laws.

Mr. THOMAS of Wyoming. Mr. Chairman, in case there is confusion, I further ask that the amendment at the desk be the one considered, rather than the one in the report, and that it be considered as read, the difference being only the placement in the bill.

The CHAIRMAN. Is there objection to the request of the gentlemen from Wyoming?

There was no objection

Mr. THOMAS of Wyoming. Mr. Chairman, I appreciate the opportunity to present this amendment. H.R. 5099 will be amended to H.R. 429, the omnibus water package, which was originally a bill to authorize the completion of work on Buffalo Bill Dam in Wyoming.

H.R. 429 contains language that would authorize the completion money that has already been appropriated to complete this dam. Buffalo Bill Dam is a textbook example of cooperation between the State and Federal Government. The total project costs about $135 million. The State of Wyoming made a contribution of $52 million.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I am glad to yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have had an opportunity to examine the gentleman's amendment, and again, the State of Wyoming has been in the forefront of providing realistic and real cost sharing, and we accept this amendment. We do not think that they should be penalized as a result of the delay that has taken place within the Congress. We urge support of his amendment.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, on the minority side, we have looked at the amendment and we would also accept it.

The CHAIRMAN. The question is on the amendment as modified, offered by the gentleman from Wyoming [Mr. THOMAS].

The amendment as modified, was agreed to.

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AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. PELOSI: At the end of the bill, insert the following new section:

SEC. . DEMONSTRATION PROJECT.

The Secretary is authorized and directed to undertake a demonstration project in the City and County of San Francisco to examine the feasibility and effectiveness of using advanced ecologically engineered technology for water reclamation and reuse in accordance with the Title 22 standards of the California Water Code. "Advanced ecologically engineered technology" refers to a greenhouse-based, ecologically engineered technology which employs highly populated pond and marsh ecosystems to produce water for reclamation and reuse. One half of the costs associated with implementation of this subsection shall be borne by the United States as a nonreimbursable cost; the other half shall be borne by the State of California and the City and County of San Francisco."

Ms. PELOSI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. PELOSI. Mr. Chairman, I am pleased to offer this amendment to H.R. 5099 with Mr. STUDDS today. Hearings were held on this technology last month.

The technology that would be made available by our amendment is based on a greenhouse system to purify water naturally by simulating small-scale pond and marsh ecosystems. Toxic elements and other concentrated elements are broken down symbiotically to produce quality water for reclamation and reuse.

Because of the severe drought that has plagued California for the past 6 years and put San Francisco's water curtailment as high as 50 percent, the possibility that an environmentally sound technology could be devised for the purpose of reclaiming wastewater is an extremely important idea to pursue. This reclamation process could provide water that is now unavailable to maintain parks and landscaping and could also substitute for the water used in fire fighting.

The city of San Francisco is committed to water reclamation. Last year, the board of supervisors enacted an ordinance which requires all new buildings and building renovations of more than 40,000 square feet located in our commercial and financial areas to install dual plumbing to carry reclaimed

water in the buildings for nonpotable uses. The mandatory use of reclaimed water is now law in San Francisco and every effort must be made by the city's clean water enterprise to provide reclaimed water of the quantity and quality required.

Solar aquatics will enable us to experiment with a new, natural-based treatment to produce much-needed water for our communities. The savings anticipated from such a project, compared to the expensive conventional technologies, would be tremendous for our cities.

Chairman STUDDS has been a leader on this issue and I applaud his efforts to pursue new technologies with models that use natural elements in an environmentally sound manner. This is the type of technology that will serve us well—in reaping economic benefits and in protecting our environment.

Mr. STUDDS. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Massachusetts who, as I said, has been a leader on this particular kind of technology.

Mr. STUDDS. Mr. Chairman, I thank the gentlewoman for yielding. I simply want to compliment the gentlewoman for her imagination and leadership in this. As she said, this is exciting, innovative technology with important water reclamation and reuse applications in the West. I think it is genuinely exciting, and I commend the gentlewoman.

Mr. Chairman, today I join Congresswoman PELOSI in introducing an amendment to the Central Valley Project Improvement Act. This amendment weds exciting innovative technologies developed in Massachusetts with an important water reclamation and reuse application in the West.

Nowhere is the value of water and the wonderful resources and uses it supports more apparent than in our western States. The Central Valley Project Improvement Act is evidence of that recognition. The Southwest continues to lead the way as our country begins—not soon enough—to reassess how it protects and uses this precious natural resource. Water purification, reclamation, and reuse, together with pollution control and prevention, must be essential elements of a forward-looking national water conservation strategy.

San Francisco has already committed itself to just such a water conservation strategy. Mandatory water reclamation is now the law. The demonstration project authorized by our amendment will enable this city to examine the effectiveness of using innovative, biologically sound technologies to reclaim and reuse water in concert with conventional water handling systems.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from California, chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Chairman, I want to commend the gentlewoman for offering this amendment, which is again in the vanguard of efforts in the State of California to try to use our water resources as wisely and as efficiently as we can. The committee has had a chance to look at the amendment and we agree with it, and we would urge the adoption of the amendment.

Ms. PELOSI. I thank the gentleman.

Mr. HANSEN. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I am pleased to yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I thank the gentlewoman for yielding. I think the gentlewoman has come up with an excellent amendment. I support it, and on this side we accept this amendment.

Ms. PELOSI. I am very pleased to accept the gentleman's support for the amendment.

I also want to express my support for H.R. 5099 and commend the chairman for bringing this important legislation to the floor.

Mr. GILCHREST. Mr. Chairman, I rise today in support of the amendment to H.R. 5099 from the gentlewoman from California.

Cities and towns all across the United States are struggling to clean their rivers, lakes, and bays. One of the major obstacles blocking attainment of that goal is the monumental cost associated with adequate sewage treatment. Conventional sewage treatment plants are expensive and unpopular. Many small communities cannot even afford the infrastructure needed for construction of these plants.

But recent advances in complex biological treatment systems or solar aquatics promise an alternative. These systems depend on plants and animals in a marsh-like setting to digest harmful and polluting compounds that enter the solar aquatic system. The Fisheries and Wildlife Subcommittee recently held hearings on this remarkable new technology, and witnesses repeatedly testified how underutilized the concept is.

These systems provide a nonpolluting natural purification treatment system which is inexpensive and energy-efficient. The system can be used for sewage treatment or for the reclamation of wastewater. The applications of this system are nearly limitless because the system uses the self-correcting mechanism of a natural ecosystem.

Our communities are in crisis trying to find the necessary resources to meet the clean water and clean air standards that we have passed. Solar aquatics will offer a cost-effective opportunity to clean our waters. Witnesses before the subcommittee testified that solar aquatic systems can surpass current water standards at less that cost than conventional water treatment facilities.

This project is a long-term investment. For the small amount spent today, we will ultimately save the money that would otherwise go toward more expensive forms of wastewater treatment.

I urge my colleagues to support this amendment and encourage development of this promising new technology.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. PELOSI].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON:

On p. 15, line 6, (section 5) insert the following new subsection and renumber subsequent sections accordingly:

(d) WATER PRICING REFORM.—All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this Act, shall provide that all project water subject to contract shall be made available to districts, agencies, and other contracting entities pursuant to a system of tiered water pricing. Such a system shall specify rates for each district, agency or entity based on an inverted block rate structure with the following provisions.

(1) the first rate tier shall apply to a quantity of water up to 60 percent of the contract total and shall be not less than the applicable contract rate;

(2) the second rate tier shall apply to that quantity of water over 60 percent and under 80 percent of the contract total at a level halfway between the rates established under paragraphs (1) and (3) of this subsection;

(3) the third rate tier shall apply to that quantity of water over 80 percent of the contract total and shall not be less than full cost;

(4) rates shall be adjusted annually for inflation; and,

(5) the Secretary shall charge contractors only for water actually delivered.

Mr. GEJDENSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, I am offering an amendment that would add a pricing reform provision to H.R. 5099 which goes a long way I think in supporting the excellent work done by Chairman MILLER.

This program has had massive subsidies. The reclamation program has cost somewhere between $10 and $70 billion, depending on who makes the calculation. When the Congressional Budget Office did it, they found between $33 and $70 billion. According to the Bureau of Reclamation, the total historic subsidy for this project, as the one in Central Valley, is a $5.1 billion program with a $460 million annual subsidy. This is $400 million as a direct cost to the taxpayers. It comes out of their pocket every April 15.

My amendment would only affect new contracts or renegotiated contracts.

The tier pricing system is a modest attempt to bring some cost reality to this program. It would provide that the first 60 percent would be at the subsidized cost, between 60 and 80 percent, that 20 percent would be at the median between the subsidized cost and the

full cost, and between 80 and 100 percent would be at full cost.

This proposal will save the taxpayers money. It will help the farmers become more efficient in the use of their water. It will make the elasticity in demand help conservation.

Mr. Chairman, the amendment I am offering would add pricing reform provisions to H.R. 5099. This section was included in the bill as introduced, but was dropped as a result of negotiations between the various parties. Now it appears that those negotiations and the agreement that was supposed to have been reached is no longer operative.

The history of the reclamation program is a history of massive subsidies. In 1989, as chairman of the Interior Subcommittee on Oversight and Investigations, I undertook an investigation into a coverup by the Interior Department over a request we made to determine the level of that subsidy.

What we uncovered in the course of our investigation shows why Members should support my amendment.

The investigation revealed that the total subsidy provided by the taxpayers to the reclamation program varied between $10 and $70 billion depending on who makes the calculations. While the official estimate of the cost of providing federally subsidized water to reclamation farmers was only $9 billion since the program began, economists within the Interior Department, who were asked by the Department to prepare the analysis estimated the cost of the subsidies at $24.2 billion. The Congressional Budget Office calculated the subsidy at between $33.7 and $70 billion.

H.R. 5099 is intended to reform the largest western water project, the Central Valley project. But as reported, this legislation does not address the most important issue with regard to the project; that is the subsidy. According to the Bureau of Reclamation, the total historical subsidy for this project is $5.1 billion, and the annual subsidy is $460 million.

That means that agriculture producers in California start out each year with a $460 million advantage over competitors in the other States. Farmers in the Northeast, the Midwest, the South, and even other farmers in the Western United States, produce the same crops, compete in the same markets, yet they are placed at an automatic competitive disadvantage because they do not have the advantage of a $460 million subsidy. And this $460 million comes directly out of the taxpayers' pockets every April 15.

Mr. Chairman, my amendment is hardly onerous. What it says is that if you sign a new contract with the Bureau of Reclamation in the future, the contract must provide for a tiered pricing system. That system would increase the rate from the subsidized rate for the first 60 percent of the water up to the unsubsidized rate for the last 20 percent. In other words, water districts would be able to receive the first 60 percent of their allocated water at the contract or subsidized rate. The second tier, the quantity of water over 60 percent but less than 80 percent would be provided at a rate halfway between the subsidized contract rate and the full cost rate; and the third tier price which is the full cost rate will apply to the quantity of water over 80 percent.

This amendment will encourage farmers to use less water, an already scarce commodity. It will save the taxpayers money. It will encourage farmers to produce higher value crops and by irrigators using less, it will free up water for higher uses like protecting fish and wildlife.

This amendment would not apply to any existing contracts. It would only apply if the water district or municipality came to the Federal Government and requested a new contract or a renewal of an existing contract. It would also ensure that water districts and farmers only pay for the water that they actually use.

Water like energy, is price elastic. The more you pay, the less you use. For the past 8 years, California has been facing the worst drought in history, yet farmers in that area, continue to receive highly subsidized water, often to irrigate surplus crops, while cities must ration water or pay hundreds of dollars for the same water when they can get it. It doesn't make sense that we would take our most precious and scarce resource and price it at unconscionably low rates.

Under the current laws, all but a tiny fraction of the Central Valley project's construction costs will be paid for by the taxpayers, not the agribusinesses who benefit. Measured in today's dollars, the CVP capital cost is about $3.77 billion. Yet CVP water users will repay only about $203 million, approximately 5 percent of these costs. In other words, about $3 billion of the project's construction costs will be paid by the taxpayer. The CVP repayment will amount to only 13 to 16 percent of the costs normally repayable by other reclamation project irrigators throughout the West.

Now these subsidies might be justifiable if the CVP were a poor project. But it is anything but poor. Central Valley farmland is some of the most productive in the world and Central Valley agribusinesses are enormously profitable. In 1989 alone, CVP growers reaped over $3.5 billion in gross crop value, while repaying the U.S. taxpayers only $29.3 billion—$2.2 million less than it cost the Bureau of Reclamation to run the project.

Mr. Chairman, and my colleagues, we have an opportunity to bring some reality into this program. In light of the $200 billion budget deficit that we are facing, we have an opportunity to bring some sanity to this program, we have an opportunity with this amendment to set the foundation for future water contracts that are realistic.

Mr. Chairman, this amendment is not a partisan issue and it is not a regional issue. This amendment is good for farmers, it is good for the taxpayers, and it is good for the environment since it will promote efficient use of water, a precious resource, especially in the West.

I urge my colleagues to join us today and inject some sanity into western water policy.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I am happy to yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, is this amendment identical to or very similar to a provision that was in the bill that was originally introduced and that was removed in committee by agreement among the parties?

Mr. GEJDENSON. It is an identical amendment to it. And when the proposal was removed there was a time where there was agreement. There is no agreement at this stage, and that is one of the reasons, but I thought it was a good amendment then.

Mr. RHODES. Will the gentleman yield for 1 additional minute?

Mr. GEJDENSON. I am happy to yield to the gentleman from Arizona.

Mr. RHODES. I just want to assure the gentleman those of us who agreed to remove it are not now agreeing to have it replaced.

Mr. GEJDENSON. That is fine.

If Members will take a look at this, it is a simple choice for people. A farmer who makes $300,000 is now paying $18,000 for his water, $18,800. This would bring him to $28,000, a $10,000 increase. But the real cost is $50,000. A farmer who is now bringing in, in another section, $800,000 in crops is paying $15,000. We only raise that to $25,000. And a farmer who in one case makes $1 million is now paying $10,000 for his water and will pay $17,500 for his water.

This gives farmers, even who continue to use 100 percent of their water, a very easy way to pay for it. But it does give them an incentive to reduce.

In 1985, it was estimated that 4 percent of the cost of the Central Valley project was repaid. It is an action that Congress has continuously supported. It is something that makes sense for the farmers, for the taxpayers and for the country.

Mr. LEHMAN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment, but I have to tell you, it is difficult to take an amendment like this to a bill like this that comes up at the last moment all that seriously. This bill is dead. This bill, as the chairman knows, has to be completely rewritten in some form to ever stand muster to come back to this House in the form of a conference report.

There is no one in support of this bill as presently written. Environmentalists do not like it and have ravaged it. The farmers do not like it and have ravaged it, and the newspapers in our State have condemned it as well.

The gentleman from California [Mr. MILLER] is trying to get a vehicle to go to conference here, and it is a bit of a rickety ship, and he has taken on all the baggage that everybody has tossed on board today to take it to that point, to perhaps sit down then to a conference committee and we can all try to make some sense out of this.

The Gejdenson amendment is just one more insult added to injury here. The bill proposed by the gentleman from California [Mr. MILLER] on the floor today already sets up a $15 million fund for farmers to contribute to these various things. The bill proposed by the gentleman from California [Mr.

MILLER] on the floor today already has massive water conservation measures in it, many of which have been agreed to by Members on the other side.

The gentleman from Connecticut [Mr. GEJDENSON] is adding nothing to this except additional costs to the farmers and absolutely no improvement on the water conservation side of the equation. I seriously doubt the gentleman from Connecticut [Mr. GEJDENSON] has been to the San Joaquin Valley to see the type of water conservation that is already in effect there, and he makes a serious mistake in that regard by trying to lump farmers on the west side of the valley together with farmers on the east side of the valley, to lump permanent crops with nonpermanent crops, by taking the north and the south. And it is very curious why in this measure the gentleman from Connecticut has limited application only to the Central Valley project. If this is such a good idea, why does the gentleman from Connecticut not offer it as a West-wide proposition so that everybody in here will have to stand for the rigors that he is trying to place on one particular project in California.

□ 1610

Maybe the gentleman from Connecticut [Mr. GEJDENSON] will entertain that.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of California. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I know that the gentleman is sincere in his questions. But the Central Valley project takes the largest taxpayer subsidies. That is why we focused in on that. This was part of the discussions in the committee, and it is not as if it just appeared on the floor.

Environmentalists do like this provision. The taxpayers do like this provision.

When you take a look at a farmer who brings in a million dollars in revenue, to raise his costs from $10,000 to $17,500 for all the water is not a killer amendment.

Mr. LEHMAN of California. Reclaiming my time, the gentleman is ignoring all of the other provisions in the bill including the Reclamation Reform Act, changes that the gentleman from California [Mr. MILLER] and I agreed to last year that changes the whole mechanism as far as being able to obtain any subsidy out there at all is concerned. We have attempted to address all of these problems in the context of the committee and in the context of the negotiated consensus.

As far as reclamation is concerned, many of them have been addressed, but for the gentleman from Connecticut to just parachute in out of the blue here and say, well, that is not enough, what you guys negotiated or have agreed to or what is in this bill that everybody knows is going to change anyway, let us just tack this on top of it today. Part of me says maybe we ought to let this go ahead, because it makes a bad bill absolutely terrible. I think it probably increases the chances that it is not going to go anywhere.

But if we are going to be serious on this floor and seriously attempt to adopt legislation that is workable, we ought to reject this.

Mr. THOMAS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to compliment the gentleman from Connecticut. I wish that he would check his pocket to see if he has any more similar amendments that he might want to offer, because, frankly, this makes my job much easier, and I urge him to continue this line of amendment, because in his own inimitable fashion, he continues to plow forward despite what everyone has said here today.

However, there is one discrepancy in his description, and that is that he only has this covering the California Central Valley project, because it is the largest. I am not accustomed to the gentleman from Connecticut leaving any crumbs on the table.

Certainly in his pursuit of helping the taxpayer, he ought to take a look at the other projects as well.

What I would urge him to do, however, if he really wants to get serious, is examine the energy subsidy that the Northeast is receiving, because they refused to allow Alaskan oil to find its economic home, but continued to require it to come into the United States at enormous expense to his selfsame taxpayers.

It is very difficult to do, but the gentleman once again is crying crocodile tears out of only one eye.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Gejdenson amendment to H.R. 5099, the Central Valley Project Improvement Act. This amendment would add a critical new tool to water management for the CVP. This new tool is as old as our free enterprise system. It is, quite simply, the use of prices to make more rational decisions about water use.

Incredibly enough, after 40 years of water service, and 6 years of drought in California, current reclamation law makes no provision to assure the effective use of price signals for water from the Central Valley project. We do not expect food, clothing, shelter, or any other basic commodity to be distributed without regard to prices, but this is the way the Federal Government has doled out water in the West—particularly water for irrigation.

The Gejdenson amendment would begin to change this. Currently, most contracts to deliver water from the CVP to water users allow the Secretary of the Interior to charge a stipulated amount of money, regardless of the amount of water actually delivered and used. Under these so-called take-or-pay arrangements, there is no incentive for irrigation districts or individual farmers to conserve water, even during periods of drought. The Gejdenson amendment would require that all new, renewed, or amended contracts stipulate that water users are only charged for water actually delivered. It is my understanding that the Bureau may make reasonable charges for conveyance losses as well, without undermining the intent of this amendment.

The other key provision of the Gejdenson amendment is the establishment of a tiered system of pricing. Electric utilities, telephone companies, and other businesses have decades of experience with this concept, but once again, the reclamation program must play catch-up ball. Under the amendment, higher levels of use would be priced at a higher water rate. Specifically, usage above 60 percent of a district's total amount of water available under its contract would be priced with Federal subsidies partially removed, and usage above 80 percent would be priced with Federal subsidies fully removed. Again, this new rate structure would be a requirement of all new, renewed, or amended contracts to receive water from the CVP. This structure will provide immediate rewards for those districts that act to conserve their water use.

Taken together, Mr. Chairman, the provisions of this amendment mark a sensible step toward a more rational management of water resources, and an expression of confidence in our free market system. Of course, this bill does not establish a completely free market for water in California, and I am disappointed that the bill does not go further in that regard. Nevertheless, this amendment is a crucial recognition of the valuable role of pricing mechanisms, and on that basis alone it deserves our support.

I urge the adoption of the Gejdenson amendment.

Mr. DOOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, rise in strong opposition to the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON].

Mr. Chairman, as we have been involved in trying to develop a compromise for this legislation and trying to reform the CVP, we have included many provisions that have gone at the heart of trying to encourage greater conservation both in the operation of the project, requiring the Secretary of the Interior to participate with the water districts and also local farmers in implementing conservation practices. We have also explored different opportunities in which we could use pricing as a mechanism to encourage

greater conservation, and those talks are continuing.

I think the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] would do a disservice to those ongoing delicate negotiations.

In addition, the bill that the gentleman from California [Mr. MILLER] is offering today also includes $230 million in project fixes of which farmers are paying almost 40 percent of that cost.

We are also, the farms and the agricultural contractors, are also responsible for 15 million dollars' worth in annual costs for restoration of the environment. These costs are significant additional obligations that agricultural contractors are going to have to bear.

The amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] only adds insult by further tacking on additional dollar amounts which the farmers are going to have to be responsible for.

There has been a lot of alluding to farmers with a million dollars in gross receipts, and farmers that have $300,000 in net farm income. The bottom line is that the average farm size on most of the water projects out there, and certainly the Kern project, is 100 acres. These are not rich people. These are people who are struggling, hard-working families, that oftentimes have incomes which are below the median incomes.

I also would have to note that this subsidy that people who draw so much attention on is really only the interest on the capital cost of building the project.

The gentleman from Connecticut [Mr. GEJDENSON] was a strong and articulate proponent of the *Seawolf* submarines that we are building. These *Seawolf* submarines are going to be basically costing our country $6 billion in costs this year. That is a capital cost. The annual subsidy which would be the interest component on the $6 billion cost of those *Seawolf* submarines is $480 million a year.

This is not any different than the capital cost of building many of the reclamation projects, and I challenge anyone to tell me what has greater economic utility. Is it two attack *Seawolf* submarines out there, or is it a water project that is allowing for the productive utilization of a resource in an economic activity? Clearly there is a double standard here, and I hope that the Members of this body will understand that and vote against the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON].

Mr. PENNY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, agriculture uses 82 percent of the water in the Central Valley project. Yet, agricultural producers pay only a small portion of the real cost of this water.

Prices for water supplied through the Bureau of Reclamation Central Valley project in California range from $1.50 to $30.86 per acre-foot.

□ 1620

In contrast, water available to metropolitan areas through the Greater Los Angeles area typically range from $192 to $261 per acre-foot.

In total, the Central Valley project receives a subsidy of $60 million each year from American taxpayers.

It is worth noting that other California farmers in State water projects pay as much as five times more than those in the Central Valley project.

The bottom line is that subsidized water encourages farmers to grow water-intensive, but low-value crops, such as wheat and alfalfa. If farmers in California paid the true cost of the water, they would be forced to respond to market conditions and they would then raise crops that could offset the price of water. It is basic supply and demand. It is basic economic forces, and they are not at play when you have this kind of excessive subsidy going to these producers.

Worse yet, many of the crops that are raised on subsidized water are also surplus crops and the Federal Treasury experiences a double hit when these farmers receive Federal farm program payments. We cannot afford the folly of subsidizing both the production and the storage of crops that are in surplus.

The Gejdenson amendment would save $40 million through a three-tiered pricing system. That system has this basic principle: The more water you use, the more you pay per unit of water. It is fair. It is reasonable. It is in the taxpayer's interest. Vote yes on the Gejdenson amendment.

Mr. MILLER of California. Mr. Chairman, I rise in support of the amendment of the gentleman from Connecticut [Mr. GEJDENSON].

This is in fact a serious amendment. It does have serious ramifications for the taxpayers of this country and it will also clearly lead to the more efficient and the better use of water resources within the State.

Mr. Chairman, I urge adoption of the amendment.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, I just want to clarify the point that the gentleman from Minnesota made, so that people who are not familiar with the kind of agriculture that is grown in the Central Valley do not assume that we have the waving fields of wheat that he apparently described and is perhaps more familiar to his home.

For example, if you looked at the 10 top crops that are produced in my area, some of it with Central Valley project water, you find crops like almonds, pistachios, citrus, kiwi fruit, products that are not subsidized in the farm program, like the wheat, for example, grown in Minnesota.

Mr. PENNY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, I would amend my remarks to include cotton.

Mr. THOMAS of California. And the gentleman should continue to amend to include grapes, table and wine grapes.

Mr. MILLER of California. Mr. Chairman, I reclaim my time, and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HERGER

Mr. HERGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HERGER: At the end of the bill, insert the following new section:

SEC. . RECREATION.

The first section of the Act of August 27, 1954 (16 U.S.C. 695d), is amended by inserting "and also for the use and enjoyment of the lands, waters, and related facilities thereof for recreation," after "fish and wildlife purposes,".

Mr. HERGER. Mr. Chairman, I would like to point out that the Central Valley project is one of the only projects of its kind in the Nation which does not have recreation as one of its purposes of the project.

This amendment is designed to ensure that public recreation does receive consideration in the management of the Central Valley project.

My amendment would amend section 1 of the act of August 27, 1954, to direct the Secretary of the Interior to also consider the needs of providing public recreation when making decisions regarding the management of the project.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding to me.

We have examined the amendment to require the Secretary to recognize the importance of recreational facilities at the Central Valley project and we would concur in the amendment and support the amendment.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I think the gentleman from California comes with an excellent amendment. We have looked at it. We think it is absolutely one of the best we have seen so far, and we agree with it.

Mr. HERGER. Mr. Chairman, I appreciate that, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HERGER].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. CARDIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5099) to provide for the restoration of fish and wildlife and their habitat in the Central Valley of California, and for other purposes, pursuant to House Resolution 486, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLER of California. Mr. Speaker, pursuant to the provisions of House Resolution 486, I move to take from the Speaker's table the bill (H.R. 429), with a Senate amendment thereto, and concur in the Senate amendment with an amendment consisting of the text of the bills H.R. 429 and H.R. 5099 as passed by the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment and the House amendment to the Senate amendment.

The texts of the Senate amendment and the House amendment to the Senate amendment are as follows:

Senate amendment:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reclamation Projects Authorization and Adjustment Act of 1992".

SEC. 2. DEFINITION AND TABLE OF CONTENTS.

For purposes of this Act, the term "Secretary" means the Secretary of the Interior.

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TITLE I—BUFFALO BILL DAM AND RESERVOIR, WYOMING

SEC. 101. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

Title I of Public Law 97-293 (96 Stat. 1261) is amended as follows:

(a) In the second sentence of section 101, by striking "replacing the existing Shoshone Powerplant," and inserting "constructing power generating facilities with a total installed capacity of 25.5 megawatts,".

(b) In section 102, amend the heading to read "recreational facilities, conservation, and fish and wildlife", and add at the end "The construction of recreational facilities in excess of the amount required to replace or relocate existing facilities is authorized, and the costs of such construction shall be borne equally by the United States and the State of Wyoming pursuant to the Federal Water Project Recreation Act.".

(c) In section 106(a), strike "for construction of the Buffalo Bill Dam and Reservoir modifications the sum of $106,700,000 (October 1982 price levels)" and insert "for the Federal share of the construction of the Buffalo Bill Dam and Reservoir modifications and recreational facilities the sum of $80,000,000 (October 1988 price levels)", and strike "modifications" and all that follows and insert "modifications." in lieu thereof.

TITLE II—CENTRAL UTAH PROJECT CONSTRUCTION

SEC. 200. SHORT TITLE AND DEFINITIONS FOR TITLES II–VI.

(a) SHORT TITLE.—Titles II through VI of this Act may be cited as the "Central Utah Project Completion Act".

(b) DEFINITIONS.—For the purposes of titles II–VI of this Act:

(1) The term "Bureau" means the Bureau of Reclamation of the Department of the Interior.

(2) The term "Commission" means the Utah Reclamation Mitigation and Conservation Commission established by section 301 of this Act.

(3) The term "conservation measure(s)" means actions taken to improve the efficiency of the storage, conveyance, distribution, or use of water, exclusive of dams, reservoirs, or wells.

(4) The term "1988 Definite Plan Report" means the May 1988 Draft Supplement to the Definite Plan Report for the Bonneville Unit of the Central Utah Project.

(5) The term "District" means the Central Utah Water Conservancy District.

(6) The term "fish and wildlife resources" means all birds, fishes, mammals, and all other classes of wild animals and all types of habitat upon which such fish and wildlife depend.

(7) The term "Interagency Biological Assessment Team" means the team comprised of representatives from the United States Fish and Wildlife Service, the United States Forest Service, the Bureau of Reclamation, the Utah Division of Wildlife Resources, and the District.

(8) The term "administrative expenses", as used in section 301(i) of this Act, means all expenses necessary for the Commission to administer its duties other than the cost of the contracts or other transactions provided for in section 301(f)(3) for the implementation by public natural resource management agencies of the mitigation and conservation projects and features authorized in this Act. Such administrative expenses include but are not limited to the costs associated with the Commission's planning, reporting, and public involvement activities, as well as the salaries, travel expenses, office equipment, and other such general administrative expenses authorized in this Act.

(9) The term "petitioner(s)" means any person or entity that petitions the District for an allotment of water pursuant to the Utah Water Conservancy Act, Utah Code Ann. Sec. 17A-2-1401 et. seq.

(10) The term "project" means the Central Utah Project.

(11) The term "public involvement" means to request comments on the scope of and, subsequently, on drafts of proposed actions or plans, affirmatively soliciting comments, in writing or at public hearings, from those persons, agencies, or organizations who may be interested or affected.

(12) The term "section 8" means section 8 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620g).

(13) The term "State" means the State of Utah, its political subdivisions, or its designee.

(14) The term "Stream Flow Agreement" means the agreement entered into by the United States through the Secretary of the Interior, the State of Utah, and the Central Utah Water Conservancy District, dated February 27, 1980, as modified by the amendment to such agreement, dated September 13, 1990.

SEC. 201. AUTHORIZATION OF ADDITIONAL AMOUNTS FOR THE COLORADO RIVER STORAGE PROJECT.

(a)(1) INCREASE IN CRSP AUTHORIZATION.—In order to provide for the completion of the Central Utah Project and other features described in this Act, the amount which section 12 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), authorizes to be appropriated, which was increased by the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note) and the Act of October 31, 1988 (102 Stat. 2826), is hereby further increased by $924,206,000 (January 1991) plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved: Provided, however, That of the amounts authorized to be appropriated by this section, the Secretary is not authorized to obligate or expend amounts in excess of $214,352,000 for the features identified in the Report of the Senate Committee on Energy and Natural Resources accompanying the bill H.R. 429. This additional sum shall be available solely for the design, engineering, and construction of the facilities identified in title II of this Act and for the planning and implementation of the fish and wildlife and recreation mitigation and conservation projects and studies authorized in titles III and IV of this Act, and for the Ute Indian Settlement authorized in title V of this Act.

(2) APPLICATION OF INSPECTOR GENERAL RECOMMENDATIONS.—Notwithstanding any other provision of law to the contrary, the Secretary shall implement all the recommendations contained in the report entitled "Review of the Financial Management of the Colorado River Storage Project, Bureau of Reclamation (Report No. 88-45, February, 1988)", prepared by the Inspector General of the Department of the Interior, with respect to the funds authorized to be appropriated in this section.

(b) UTAH RECLAMATION PROJECTS AND FEATURES NOT TO BE FUNDED.—Notwithstanding the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 105), the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), the Act of October 19, 1980 (94 Stat. 2239; 43 U.S.C. 620), and the Act of October 31, 1988 (102 Stat. 2826), funds may not be made available, obligated, or expended for the following Utah reclamation projects and features:

(1) Fish and wildlife features:

(A) The dam in Bjorkman Hollow.

(B) The Deep Creek pumping plant.

(C) The North Fork pumping plant.

(2) Water development projects and features:

(A) Mosida pumping plant, canals, and laterals.

(B) Draining of Benjamin Slough.

(C) Diking of Goshen or Provo Bays in Utah Lake.

(D) Ute Indian Unit.

(E) Leland Bench development.

(F) All features of the Bonneville Unit, Central Utah Project not proposed and described in the 1988 Definite Plan Report.

Counties in which the projects and features described in this subsection were proposed to be located may participate in the local development projects provided for in section 206.

(c) TERMINATION OF AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any provision of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), the Act of September 2, 1964 (78 Stat. 852), the Act of September 30, 1968 (82 Stat. 885), the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), and the Act of October 31, 1988 (102 Stat. 2826) to the contrary, the authorization of appropriations for construction of any Colorado River Storage Project participating project located in the State of Utah shall terminate five years after the date of enactment of this Act unless: (1) the Secretary executes a cost-sharing agreement with the District for construction of such project, and (2) the Secretary has requested, or the Congress has appropriated, construction funds for such project.

(d) USE OF APPROPRIATED FUNDS.—Funds authorized pursuant to this Act shall be appropriated to the Secretary and such appropriations shall be made immediately available in their entirety to the District and the Commission as provided for pursuant to the provisions of this Act.

(e) SECRETARIAL RESPONSIBILITY.—The Secretary is responsible for carrying out the responsibilities as specifically identified in this Act and may not delegate his responsibilities under this Act to the Bureau of Reclamation. The District at its sole option may use the services of the Bureau of Reclamation on any project features.

SEC. 202. BONNEVILLE UNIT WATER DEVELOPMENT.

(a) Of the amounts authorized to be appropriated in section 201, the following amounts shall be available only for the following features of the Bonneville Unit of the Central Utah Project:

(1) IRRIGATION AND DRAINAGE SYSTEM.—(A) $150,000,000 for the construction of an enclosed pipeline primary water conveyance system from Spanish Fork Canyon to Sevier Bridge Reservoir for the purpose of supplying new and supplemental irrigation water supplies to Utah, Jaub, Millard, Sanpete, Sevier, Garfield, and Piute Counties. Construction of the facilities specified in the previous sentence shall be undertaken by the District as specified in subparagraph (D) of this paragraph. No funds are authorized to be appropriated for construction of the facilities identified in this paragraph, except as provided for in subparagraph (D) of this paragraph.

(B) The authorization to construct the features provided for in subparagraph (A) shall expire if no federally appropriated funds to construct such features have been obligated or expended by the District in accordance with this Act, unless the Secretary determines the District has complied with sections 202, 204, and 205, within five years from the date of its enactment, or such longer time as necessitated for—

(i) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act (16 U.S.C. 1533 et seq.) for any species that is or may be listed as threatened or endangered under such Act: Provided, however, That such extension of time for the expiration of authorization shall not exceed 12 months beyond the five year period provided in subparagraph (B) of this paragraph;

(ii) judicial review of a completed final environmental impact statement for such features if such review is initiated by parties other than the District, the State, or petitioners of project water; or

(iii) a judicial challenge of the Secretary's failure to make a determination of compliance under this subparagraph.

Provided, however, That in the event that construction is not initiated on the features provided for in subparagraph (A), $125,000,000 shall remain authorized pursuant to the provisions of this Act applicable to subparagraph (A) for the construction of alternate features to deliver irrigation water to lands in the Utah Lake drainage basin, exclusive of the features identified in section 201(b).

(C) REQUIREMENT FOR BINDING CONTRACTS.—Amounts authorized to carry out subparagraph (A) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase for the purpose of agricultural irrigation of at least 90 percent of the irrigation water to be delivered from the features of the Central Utah Project described in subparagraph (A) have been executed.

(D) In lieu of construction by the Secretary, the Central Utah Project and features specified in section 202(a)(1) shall be constructed by the District under the program guidelines authorized by Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274, 43 U.S.C. 505). The sixty day Congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 202(a)(1). Any such feature shall be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in section 202(a)(1).

(2) CONJUNCTIVE USE OF SURFACE AND GROUND WATER.—$10,000,000 for a feasibility study and development, with public involvement, by the Utah Division of Water Resources of systems to allow ground water recharge, management, and the conjunctive use of surface water resources with ground water resources in Salt Lake, Utah, Davis, Wasatch, and Weber Counties, Utah.

(3) WASATCH COUNTY WATER EFFICIENCY PROJECT.—(A) $500,000 for the District to conduct, within two years from the date of enactment of this Act, a feasibility study with public involvement, of efficiency improvements in the management, delivery and treatment of water in Wasatch County, without interference with downstream water rights. Such feasibility study shall be developed after consultation with Wasatch County and the Commission, or the Utah State Division of Wildlife Resources if the Commission has not been established, and shall identify the features of the Wasatch County Water Efficiency Project.

(B) $10,000,000 for construction of the Wasatch County Water Efficiency Project, in addition to funds authorized in Section 207(e)(2) for related purposes.

(C) The feasibility study and the Project construction authorization shall be subject to the non-federal contribution requirements of section 204.

(D) The project construction authorization provided in subparagraph (B) shall expire if no federally appropriated funds to construct such features have been obligated or expended by the District in accordance with this Act within five years from the date of completion of feasibility studies, or such longer times as necessitated for—

(i) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

for any species that is or may be listed as threatened or endangered under such Act, except that such extension of time for the expiration of authorization shall not exceed 12 months beyond the five year period provided in this subparagraph; or

(ii) judicial review of environmental studies prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if such review was initiated by parties other than the District, the State, or petitioners of project water.

(E) Amounts authorized to carry out subparagraph (B) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase of at least 90 percent of the supplemental irrigation project water to be delivered from the features constructed under subparagraph (B) have been executed.

(F) In lieu of construction by the Secretary, the Central Utah Project and features specified in section 202(a)(3) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). The sixty day Congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 202(a)(3). Any such feature may be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in section 202(a)(3).

(4) UTAH LAKE SALINITY CONTROL.—$1,000,000 for the District to conduct, with public involvement, a feasibility study to reduce the salinity of Utah Lake.

(5) PROVO RIVER STUDIES.—(A) $2,000,000 for the District to conduct, with public involvement:

(i) a hydrologic study that includes a hydrologic model analysis of the Provo River Basin with all tributaries, water imports and exports, and diversions, an analysis of expected flows and storage under varying water conditions, and a comparison of steady State conditions with proposed demands being placed on the river and affected water resources, including historical diversions, decrees, and water rights, and

(ii) a feasibility study of direct delivery of Colorado River Basin water from the Strawberry Reservoir or elsewhere in the Strawberry Collection System to the Provo River Basin, including the Wallsburg Tunnel and other possible importation or exchange options. The studies shall also evaluate the potential for changes in existing importation patterns and quantities of water from the Weber and Duchesne River Basins, and shall describe the economic and environmental consequences of each alternative identified. In addition to funds appropriated after the enactment of this Act, the Secretary is authorized to utilize section 8 funds which may be available from fiscal year 1992 appropriations for the Central Utah Project for the purposes of carrying out the studies described in this paragraph.

(B) The cost of the studies provided for in subparagraph (A) shall be treated as an expense under section 8: Provided, however, That the cost of such study shall be reallocated proportionate with project purposes in the event any conveyance alternative is subsequently authorized and constructed. Within its available funds, the United States Geological Survey is directed to consult with the District in the preparation of the study identified in subparagraph (5)(A)(1).

(6) COMPLETION OF DIAMOND FORK SYSTEM.—(A) Of the amounts authorized to be appropriated under section 201, $69,000,000 shall be available to complete construction of the Diamond Fork System.

(B) In lieu of construction by the Secretary, the facilities specified in paragraph (A) shall be constructed by the District under the program guidelines authorized by Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274, 43 U.S.C. 505). The sixty day Congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 202(a)(6). Any such feature may be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in subparagraph (A) of this paragraph.

(b) STRAWBERRY WATER USERS ASSOCIATION.—(1) In exchange for, and as a precondition to approval of the Strawberry Water Users Association's petition for Bonneville Unit water, the Secretary, after consultation with the Secretary of Agriculture, shall impose conditions on such approval so as to ensure that the Strawberry Water Users Association shall manage and develop the lands referred to in subparagraph 4(e)(1)(A) of the Act of October 31, 1988 (102 Stat. 2826, 2828) in a manner compatible with the management and improvement of adjacent Federal lands for wildlife purposes, natural values, and recreation.

(2) The Secretary of Agriculture and the Secretary shall not permit commercial or other development of Federal lands within sections 2 and 13, T. 3 S., R. 12 W., and sections 7 and 8, T. 3 S., R. 11 W., Uintah Special Meridian. Such Federal lands shall be rehabilitated pursuant to subsection 4(f) of the Act of October 31, 1988 (102 Stat. 2826, 2828) and hereafter managed and improved for wildlife purposes, natural values, and recreation consistent with the Uinta National Forest Land and Natural Resource Management Plan. This restriction shall not apply to the 95 acres referred to in the first sentence of subparagraph 4(e)(1)(A) of the Act of October 31, 1988 (102 Stat. 2826, 2828), valid existing rights, or to uses of such Federal lands by the Secretary of Agriculture or the Secretary for public purposes.

SEC. 203. UINTA BASIN REPLACEMENT PROJECT.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by section 201, $30,538,000 shall be available only to increase efficiency, enhance beneficial uses, and achieve greater water conservation within the Uinta Basin, as follows:

(1) $13,582,000 for the construction of the Pigeon Water Reservoir, together with an enclosed pipeline conveyance system to divert water from Lake Fork River to Pigeon Water Reservoir and Sandwash Reservoir.

(2) $2,987,000 for the construction of McGuire Draw Reservoir.

(3) $7,669,000 for the construction of Clay Basin Reservoir.

(4) $4,000,000 for the rehabilitation of Farnsworth Canal.

(5) $2,300,000 for the construction of permanent diversion facilities identified by the Commission on the Duchesne and Strawberry Rivers, the designs of which shall be approved by the Federal and State fish and wildlife agencies. The amount identified in paragraph (5) shall be treated as an expense under section 8.

(b) EXPIRATION OF AUTHORIZATION.—The authorization to construct any of the features provided for in paragraphs (1) through (5) of subsection (a)—

(1) shall expire if no federally appropriated funds for such features have been obligated or expended by the District in accordance with this Act within five years from the date of completion of feasibility studies, or such longer time as necessitated for—

(A) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act (16 U.S.C. 1533 et seq.) for any species that is or may be listed as threatened or endangered under such Act: Provided, however, That such extension of time for the expiration of authorization shall not exceed 12 months beyond the five year period provided in this paragraph; or

(B) judicial review of environmental studies prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if such review was initiated by parties other than the District, the State, or petitioners of project water;

(2) shall expire if the Secretary determines that such feature is not feasible.

(c) REQUIREMENT FOR BINDING CONTRACTS.—Amounts authorized to carry out subsection (a), paragraphs (1) through (4) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase of at least 90 percent of the supplemental irrigation water to be delivered from the features of the Central Utah Project described in subsection (a), paragraphs (1) through (4) have been executed.

(d) NON-FEDERAL OPTION.—In lieu of construction by the Secretary, the features described in subsection (a), paragraphs (1) through (5) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274, 43 U.S.C. 505). The sixty day Congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 203(a). Any such feature may be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in subsection (a) of this section.

(e) WATER RIGHTS.—To make water rights available for any of the features constructed as authorized in this section, the Bureau shall convey to the District in accordance with State law the water rights evidenced by Water Right No. 43-3825 (Application No. A36642) and Water Right No. 43-3827 (Application No. A36644).

(f) UINTAH INDIAN IRRIGATION PROJECT.—(1) Notwithstanding any other provision of law, the Secretary is authorized and directed to enter into a contract or cooperative agreement with, or make a grant to the Uintah Indian Irrigation Project Operation and Maintenance Company, or any other organization representing the water users within the Uintah Indian Irrigation Project area, to enable such organization to—

(A) administer the Uintah Indian Irrigation Project, or part thereof, and

(B) operate, maintain, rehabilitate, and construct all or some of the irrigation project facilities using the same administrative authority and management procedures as used by water user organizations formed under State laws who administer, operate, and maintain irrigation projects.

(2) Title to Uintah Indian Irrigation Project rights-of-way and facilities shall remain in the United States. The Secretary shall retain any trust responsibilities to the Uintah Indian Irrigation Project.

(3) Notwithstanding any other provision of law, the Secretary shall use funds received from assessments, carriage agreements, leases, and all other additional sources related to the Uintah Indian Irrigation Project exclusively for Uintah Indian Irrigation Project administration, operation, maintenance, rehabilitation, and construction where appropriate. Upon receipt, the Secretary shall deposit such funds in an account in the Treasury of the United States. Amounts in the account not currently needed shall earn interest at the rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding obligations of the United States with remaining periods to maturity comparable to the period for which such funds are not currently needed. Amounts in the account shall be available without further authorization or appropriation by Congress. Such amounts shall be treated as private funds to be held in trust for landowners of the irrigation project and shall not be treated as public or appropriated funds.

(4) All noncontract costs, direct and indirect, required to administer the Uintah Indian Irrigation Project shall be nonreimbursable and paid for by the Secretary as part of his trust responsibilities, beginning on the date of enactment of this Act. Such costs shall include (but not be limited to) the noncontract cost positions of project manager or engineer and two support staff. Such costs shall be added to the funding of the Uintah and Ouray Agency of the Bureau of Indian Affairs as a line item.

(5) The Secretary is authorized to sell, lease, or otherwise make available the use of irrigation project equipment to a water user organization which is under obligation to the Secretary to administer, operate, and maintain the Uintah Indian Irrigation Project or part thereof.

(6) The Secretary is authorized to lease or otherwise make available the use of irrigation project facilities to a water user organization which is under obligation to the Secretary to administer, operate, and maintain the Uintah Indian Irrigation Project or part thereof.

(g) BRUSH CREEK AND JENSEN UNIT.—(1) The Secretary is authorized to enter into Amendatory Contract No. 6-05-01-00143, as last revised on September 19, 1988, between the United States and the Uintah Water Conservancy District, which provides, among other things, for part of the municipal and industrial water obligation now the responsibility of the Uintah Water Conservancy District to be retained by the United States with a corresponding part of the water supply to be controlled and marketed by the United States. Such water shall be marketed and used in conformance with State law.

(2) The Secretary, through the Bureau, shall—

(A) establish a conservation pool of 4,000 acre-feet in Red Fleet Reservoir for the purpose of enhancing associated fishery and recreational opportunities and for such other purposes as may be recommended by the Commission in consultation with the Utah Division of Wildlife Resources, United States Fish and Wildlife Service, and the Utah Division of Parks and Recreation; and

(B) enter into an agreement with the Utah Division of Parks and Recreation for the management and operation of Red Fleet recreational facilities.

SEC. 204. NON-FEDERAL CONTRIBUTION.

The non-Federal share of the cost for the design, engineering, and construction of the Central Utah Project features authorized by sections 202 and 203 shall be 35 percent of the total reimbursable costs and shall be paid concurrently with the Federal share, except that for the facilities specified in 202(a)(6), the cost-share shall be 35 percent of the costs allocated to irrigation beyond the ability of irrigators to repay. The non-Federal share of the cost for studies required by sections 202 and 203, other than the study required by section 202(a)(5), shall be 50 percent and shall be paid concurrently with the Federal share. Within 120 days of enactment of this Act, the Secretary shall execute a cost sharing agreement which binds the District to provide annually such sums as may be required to satisfy the non-Federal share of the separate features authorized and approved for construction pursuant to this Act. The Secretary is not authorized to broaden the scope of the cost sharing agreement beyond assuring that the non-Federal interests will satisfy the cost sharing provisions as set forth in this section. Any feature to which this section applies shall not be initiated until after the non-Federal interests enter into a cost sharing agreement with the Secretary to provide the share required by this section. The District may commence any study authorized herein prior to entering into a cost sharing agreement, and upon execution of a cost sharing agreement the Secretary shall reimburse the District an amount equal to the Federal share of the funds expended by the District.

SEC. 205. DEFINITE PLAN REPORT AND ENVIRONMENTAL COMPLIANCE.

(a) DEFINITE PLAN REPORT AND FEASIBILITY STUDIES.—Except for amounts required for compliance with applicable environmental laws and the purposes of this subsection, federally appropriated funds may not be obligated or expended by the District for construction of the features authorized in section 202(a)(1) or 203 until—

(1) the District completes—

(A) a Definite Plan Report for the system authorized in section 202(a)(1), or

(B) an analysis to determine the feasibility of the separate features described in section 203(a), paragraphs (1) through (4), or subsection (f);

(2) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been satisfied with respect to the particular system; and

(3) a plan has been developed with and approved by the United States Fish and Wildlife Service to prevent any harmful contamination of waters due to concentrations of selenium or other such toxicants, if the Service determines that development of the particular system may result in such contamination.

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS AND THE TERMS OF THIS ACT.—Notwithstanding any other provision of this Act, Federal funds authorized under this title may not be provided to the District until the District enters into a binding agreement with the Secretary to be considered a "Federal Agency" for purposes of compliance with all Federal fish, wildlife, recreation, and environmental laws with respect to the use of such funds, and to comply with this Act. The Secretary shall execute such binding agreement within 120 days of enactment of this Act.

(c) INITIATION OF REPAYMENT.—For purposes of repayment of costs obligated and expended prior to the date of enactment of this Act, the Definite Plan Report shall be considered as being filed and approved by the Secretary, and repayment of such costs shall be initiated by the Secretary of Energy at the earliest possible date. All the costs allocated to irrigation and associated with construction of the Strawberry Collection System, a component of the Bonneville Unit, obligated prior to the date of enactment of this Act shall be included by the Secretary of Energy in the costs specified in this subsection.

(d) Of the amounts authorized in section 201, the Secretary is directed to make sums available to the District as required by the District, for the completion of the plans, studies, and analyses required by this section pursuant to the cost sharing provisions of section 204.

(e) CONTENT AND APPROVAL OF THE DEFINITE PLAN REPORT.—The Definite Plan Report required under this section shall include economic analyses consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (March 10, 1983). The Secretary may withhold approval of the Definite Plan Report only on the basis of the inadequacy of the document, and specifically not on the basis of the findings of its economic analyses.

SEC. 206. LOCAL DEVELOPMENT IN LIEU OF IRRIGATION AND DRAINAGE.

(a) OPTIONAL REBATE TO COUNTIES.—(1) After two years from the date of enactment of this Act, the District shall, at the option of an eligible county as provided in paragraph (2), rebate to such county all of the ad valorem tax contributions paid by such county to the District, with interest but less the value of any benefits received by such county and less the administrative expenses incurred by the District to that date.

(2) Counties eligible to receive the rebate provided for in paragraph (1) include any county within the District, except for Salt Lake County and Utah County, in which the construction of Central Utah Project water storage or delivery features authorized in this Act has not commenced and—

(A) in which there are no binding contracts as required under section 202(1)(C); or

(B) in which the authorization for the project or feature was repealed pursuant to section 201(b) or expired pursuant to section 202(1)(B) of this Act.

(b) LOCAL DEVELOPMENT OPTION.—(1) Upon the request of any eligible county that elects not to participate in the project as provided in subsection (a), the Secretary shall provide as a grant to such county an amount that, when matched with the rebate received by such county, shall constitute 65 percent of the cost of implementation of measures identified in paragraph (2).

(2)(A) The grant provided for in this subsection shall be available for the following purposes:

(i) Potable water distribution and treatment.

(ii) Wastewater collection and treatment.

(iii) Agricultural water management.

(iv) Other public infrastructure improvements as may be approved by the Secretary.

(B) Funds made available under this subsection may not be used for—

(i) draining of wetlands;

(ii) dredging of natural water courses; or

(iii) planning or constructing water impoundments of greater than 5,000 acre-feet, except for the proposed Hatch Town Dam on the Sevier River in southern Garfield County, Utah.

(C) All Federal environmental laws shall be applicable to any projects or features developed pursuant to this section.

(3) Of the amounts authorized to be appropriated by section 201, not more than $40,000,000 may be available for the purposes of this subsection.

SEC. 207. WATER MANAGEMENT IMPROVEMENT.

(a) PURPOSES.—The purposes of this section are, through such means as are cost-effective and environmentally sound, to—

(1) encourage the conservation and wise use of water;

(2) reduce the probability and duration of periods necessitating extraordinary curtailment of water use;

(3) achieve beneficial reductions in water use and system costs;

(4) prevent or eliminate unnecessary depletion of waters in order to assist in the improvement and maintenance of water quantity, quality, and streamflow conditions necessary to augment water supplies and support fish, wildlife, recreation, and other public benefits;

(5) make prudent and efficient use of currently available water prior to any importation of Bear River water into Salt Lake County, Utah; and

(6) provide a systematic approach to the accomplishment of these purposes and an objective basis for measuring their achievement.

(b) WATER MANAGEMENT IMPROVEMENT PLAN.—The District, after consultation with the State and with each petitioner of project water, shall prepare and maintain a water management improvement plan. The first plan shall be submitted to the Secretary by January 1, 1995. Every three years thereafter the District shall prepare and submit a supplement to this plan. The Secretary shall either approve or disapprove such plan or supplement thereto within six months of its submission.

(1) ELEMENTS.—The plan shall include the following elements:

(A) A water conservation goal, consisting of the greater of the following two amounts for each petitioner of project water:

(i) 25 percent of each petitioner's projected increase in annual water deliveries between the years 1990 and 2000, or such later ten year period as the District may find useful for planning purposes; or

(ii) the amount by which unaccounted for water or, in the case of irrigation entities, transport losses, exceeds 10 percent of recorded annual water deliveries.

The minimum goal for the District shall be thirty thousand acre-feet per year. In the event that the pipeline conveyance system described in section 202(a)(1)(A) is not constructed due to expiration of the authorization pursuant to section 202(a)(1)(B), the minimum goal for the District shall be reduced by 5,000 acre-feet per year. In the event that the Wasatch County Water Efficiency Project authorized in section 202(a)(3)(B) is not constructed due to expiration of the authorization pursuant to section 202(a)(3)(D), the minimum goal for the District shall be reduced by 5,000 acre-feet per year. In the event the water supply which would have been supplied by the pipeline conveyance system described in section 202(a)(1)(A) is made available and delivered to municipal and industrial or agricultural petitioners in Salt Lake, Utah or Jaub counties subsequent to the expiration of the authorization pursuant to section 202(a)(1)(B), the minimum goal for the District shall increase 5,000 acre-feet per year. In no event shall the minimum goal for the District be less than 20,000 acre-feet per year.

(B) A water management improvement inventory, containing—

(i) conservation measures to improve the efficiency of the storage, conveyance, distribution, and use of water in a manner that contributes to the accomplishment of the purposes of this section, exclusive of any measures promulgated pursuant to subsection (f)(2) (A) through (D);

(ii) the estimated economic and financial costs of each such measure;

(iii) the estimated water yield of each such measure; and

(iv) the socioeconomic and environmental effects of each such measure.

(C) A comparative analysis of each cost-effective and environmentally acceptable measure.

(D) A schedule of implementation for the following five years.

(E) An assessment of the performance of previously implemented conservation measures, if any. Each plan or plan supplement shall be technically sound, internally consistent and supported by objective analysis.

Not less than 90 days prior to its transmittal to the Secretary, the plan, or plan supplement, together with all supporting documentation demonstrating compliance with this section, shall be made available by the District for public review, hearing, and comment. All significant comments, and the District's response thereto, shall accompany the plan transmitted to the Secretary.

(2) EVALUATION OF CONSERVATION MEASURES.—

(A) Any conservation measure proposed to the District by the Executive Director of the Utah Department of Natural Resources shall be added to the water management improvement inventory and evaluated by the District. Any conservation measure, up to a cumulative five in number within any three year period, submitted by nonprofit sportsmen or environmental organizations shall be added to the water management improvement inventory and evaluated by the District.

(B) Each conservation measure that is found to be cost-effective, without significant adverse impact to the financial integrity of the District or a petitioner of project water, environmentally acceptable and for which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been satisfied, and in the public interest shall be deemed to constitute the "active inventory". For purposes of this section, the determination of benefits shall take into account—

(i) the value of saved water, to be determined, in the case of municipal water, on the basis of the project municipal and industrial repayment obligation of the District, but in no case less than $200 per acre-foot, and, in the case of irrigation water, on the basis of operation, maintenance, and replacement costs plus the "full cost" rate for irrigation computed in accordance with section 302(3) of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390bb), but in no case less than $50 per acre-foot;

(ii) the reduced cost of wastewater treatment, if any;

(iii) net additional hydroelectric power generation, if any, valued at avoided cost;

(iv) net savings in operation, maintenance, and replacement costs; and

(v) net savings in on-farm costs.

(3) IMPLEMENTATION.—The District, and each petitioner of project water, as appropriate, shall implement and maintain, consistent with State law, conservation measures placed in the active inventory to the maximum practical extent necessary to achieve 50 percent of the water conservation goal within seven years after submission of the initial plan and 100 percent of the water conservation goal within fifteen years after submission of the initial plan. Priority shall be given to implementation of the most cost-effective measures that are—

(A) found to reduce consumptive use of water without significant adverse impact to the financial integrity of the District or the petitioner of project water;

(B) environmentally acceptable and for which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been satisfied; and

(C) found to be in the public interest.

(4) USE OF SAVED WATER.—All water saved by any conservation measure implemented by the District or a petitioner of project water under subsection (b)(3) may be retained by the District or the petitioner of project water which saved such water for its own use or disposition. The specific amounts of water saved by any conservation measure implemented under subsection (b)(3) shall be based upon the determination of yield under paragraph (b)(1)(B)(iii), and as may be confirmed or modified by assessment pursuant to paragraph (b)(1)(E). Each petitioner of project water may make available to the District water in an amount equivalent to the water saved, which the District may make available to the Secretary for instream flows in addition to the stream flow requirements established by section 303. Such instream flows shall be released from project facilities, subject to space available in project conveyance systems, to at least one watercourse in the Bonneville and Uinta River Basins, respectively, to be designated by the United States Fish and Wildlife Service as recommended by the Interagency Biological Assessment Team. Such flows shall be protected against appropriation in the same manner as the minimum streamflow requirements established by section 303. The Secretary shall reduce the annual contractual repayment obligation of the District equal to the project rate for delivered water, including operation and maintenance expenses, for water saved for instream flows pursuant to this subsection. The District shall credit or rebate to each petitioner of project water its proportionate share of the District's repayment savings for reductions in deliveries of project water as a result of this subsection.

(5) STATUS REPORT ON THE PLANNING PROCESS.—Prior to January 1, 1994, the District shall establish a continuous process for the identification, evaluation, and implementation of water conservation measures to achieve the purposes of this section, and submit a report thereon to the Secretary. The report shall include a description of this process, including its financial resources, technical support, public involvement, and identification of staff responsible for its development and implementation.

(c) WATER CONSERVATION PRICING STUDY.—

(1) Within three years from the date of enactment of this Act, the District, after consultation with the State and each petitioner of project water, shall prepare and transmit to the Secretary a study of wholesale and retail pricing to encourage water conservation as described in this subsection, together with its conclusions and recommendations.

(2) The purposes of this study are—

(A) to design and evaluate potential rate designs and pricing policies for water supply and wastewater treatment within the District boundary;

(B) to estimate demand elasticity for each of the principal categories of end use of water within the District boundary;

(C) to quantify monthly water savings estimated to result from the various designs and policies to be evaluated; and

(D) to identify a water pricing system that reflects the incremental scarcity value of water and rewards effective water conservation programs.

(3) Pricing policies to be evaluated in the study shall include but not be limited to the following, alone and in combination:

(A) Recovery of all costs, including a reasonable return on investment, through water and wastewater service charges.

(B) Seasonal rate differentials.

(C) Drought year surcharges.

(D) Increasing block rate schedules.

(E) Marginal cost pricing.

(F) Rates accounting for differences in costs based upon point of delivery.

(G) Rates based on the effect of phasing out the collection of ad valorem property taxes by the District and the petitioners of project water over a five-year and ten-year period.

The District may incorporate policies developed by the study in the Water Management Improvement Plan prepared under subsection (b).

(4) Not less than 90 days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including public hearings. All significant comments, and the District's response thereto, shall accompany the study transmitted to the Secretary.

(5) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any policies or recommendations contained in the study.

(d) STUDY OF COORDINATED OPERATIONS.—

(1) Within three years from the date of enactment of this Act, the District, after consultation with the State and each petitioner of project water, shall prepare and transmit to the Secretary a study of the coordinated operation of independent municipal and industrial and irrigation water systems, together with its conclusions and recommendations. The District shall evaluate cost-effective flexible operating procedures that will—

(A) improve the availability and reliability of water supply;

(B) coordinate the timing of reservoir releases under existing water rights to improve instream flows for fisheries, wildlife, recreation, and other environmental values, if possible;

(C) assist in managing drought emergencies by making more efficient use of facilities;

(D) encourage the maintenance of existing wells and other facilities which may be placed on stand-by status when water deliveries from the project become available;

(E) allow for the development, protection, and sustainable use of ground water resources in the District boundary;

(F) not reduce the benefits that would be generated in the absence of the joint operating procedures; and

(G) integrate management of surface and ground water supplies and storage capability.

The District may incorporate measures developed by the study in the Water Management Improvement Plan prepared under subsection (b).

(2) Not less than 90 days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including public hearings. All significant comments, and the District's response thereto, shall accompany the study transmitted to the Secretary.

(3) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any operating procedures, conclusions, or recommendations contained in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—For an amount not to exceed 50 percent of the cost of conducting the studies identified in subsections (c) and (d) and developing the plan identified in subsection (b), $3,000,000 shall be available from the amount authorized to be appropriated by section 201, and shall remain available until expended. The Federal share shall be allocated among project purposes in the same proportions as the joint costs of the Strawberry Collection System, and shall be repaid in the manner of repayment for each such purpose.

(2) For an amount not to exceed 65 percent of the cost of implementation of the conservation measures in accordance with subsection (b), $50,000,000 shall be available from the amount authorized to be appropriated in section 201, and shall remain available until expended. $10,000,000 authorized by this paragraph shall be made available for conservation measures in Wasatch County identified in the study pursuant to section 202(a)(3)(A) which measures satisfy the requirements of subsection (B)(2)(b) and shall thereafter be available for the purposes of this paragraph. The Federal share shall be allocated between the purposes of municipal and industrial water supply and irrigation, as appropriate, and shall be repaid in the manner of repayment for each such purpose.

(f) UTAH WATER CONSERVATION ADVISORY BOARD.—(1) Within two years of the date of enactment of this Act, the Governor of the State may establish a board consisting of nine members to be known as the Utah Water Conservation Advisory Board, with the duties described in this subsection. In the event that the Governor does not establish said board by such date, the Secretary shall establish a Utah Water Conservation Advisory Board consisting of nine members appointed by the Secretary from a list of names supplied by the Governor.

(2) The Board shall recommend water conservation standards and regulations for promulgation by State or local authorities in the service area of each petitioner of project water, including but not limited to the following:

(A) Metering or measuring of water to all customers, to be accomplished within five years. (For purposes of this paragraph, residential buildings of more than four units may be considered as single customers.)

(B) Elimination of declining block rate schedules from any system of water or wastewater treatment charges.

(C) A program of leak detection and repair that provides for the inspection of all conveyance and distribution mains, and the performance of repairs, at intervals of three years or less.

(D) Low consumption performance standards applicable to the sale and installation of plumbing fixtures and fittings in new construction.

(E) Requirements for the recycling and reuse of water by all newly constructed commercial laundries and vehicle wash facilities.

(F) Requirements for soil preparation prior to the installation or seeding of turf grass in new residential and commercial construction.

(G) Requirements for the insulation of hot water pipes in all new construction.

(H) Requirements for the installation of water recycling or reuse systems on any newly installed commercial and industrial water-operative air conditioning and refrigeration systems.

(I) Standards governing the sale, installation, and removal of self-regenerating water softeners, including the identification of public water supply system service areas where such devices are prohibited, and the establishment of standards for the control of regeneration in all newly installed devices.

(J) Elimination of evaporation as a principal method of wastewater treatment.

(3) Any water conserved by implementation of subparagraphs (A), (B), (C), (D), or (F) of paragraph (2) shall not be credited to the conservation goal specified under subparagraph (b)(1)(A). All other water conserved after January 1, 1992, by a conservation measure which is placed on the active inventory shall be credited to the conservation goal specified under subparagraph (b)(1)(A).

(4) The Governor may waive the applicability of paragraphs (2)(D) through (2)(H) above to any petitioner of project water that provides water entirely for irrigation use.

(5) Within three years of the date of enactment of this Act, the board shall transmit to the Governor and the Secretary the recommended standards and regulations referred to in subparagraph (f)(2) in such form as, in the judgment of the Board, will be most likely to be promulgated within four years of the date of enactment of this Act, and the failure of the board to do so shall be deemed substantial noncompliance.

(6) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any standards or regulations recommended by the Utah Water Conservation Advisory Board.

(g) COMPLIANCE.—(1) Notwithstanding subsections (c)(5), (d)(3) or (f)(6), if the Secretary after 90 days written notice to the District, determines that the plan referred to in subsection (b) has not been developed and implemented or the studies referred to in subsections (c) and (d) have not been completed or transmitted as provided for in this section, the District shall pay a surcharge for each year of substantial noncompliance as determined by the Secretary. The amount of the surcharge shall be—

(A) for the first year of substantial noncompliance, five percent of the District's annual Bonneville Unit repayment obligation to the Secretary.

(B) for the second year of substantial noncompliance, ten percent of the District's annual Bonneville Unit repayment obligation to the Secretary; and

(C) for the third year of substantial noncompliance and any succeeding year of substantial noncompliance, 15 percent of the District's annual Bonneville Unit repayment obligation to the Secretary.

(2) If the Secretary determines that compliance has been accomplished within 12 months after the first determination of substantial noncompliance, the Secretary shall refund 100 percent of the surcharge levied.

(h) RECLAMATION REFORM ACT OF 1982.—Compliance with this section shall be deemed as compliance with section 210 of the Reclamation Reform Act of 1982 (96 Stat. 1268; 43 U.S.C. 390jj) by the District and each petitioner of project water.

(i) JUDICIAL REVIEW.—(1) For the purposes of sections 701 through 706 of title 5 (U.S.C.), the determinations made by the Secretary under subsections (b), (f)(1) or (g) shall be final actions subject to judicial review.

(2) The record upon review of such final actions shall be limited to the administrative record compiled in accordance with sections 701 through 706 of title 5 (U.S.C.). Nothing in this subsection shall be construed to require a hearing pursuant to sections 554, 556, or 557 of title 5 (U.S.C.).

(3) Nothing in this subsection shall be construed to preclude judicial review of other final actions and decisions by the Secretary.

(j) CITIZEN SUITS.—(1) IN GENERAL.—Any person may commence a civil suit on their own behalf against only the Secretary for any determination made by the Secretary under this section which is alleged to have violated, is violating, or is about to violate any provision of this section or determination made under this section.

(2) JURISDICTION AND VENUE.—The district courts shall have jurisdiction to prohibit any violation by the Secretary of this section, to compel any action required by this section, and to issue any other order to further the purposes of this section. An action under this subsection may be brought in the judicial district where the alleged violation occurred or is about to occur, where fish, wildlife, or recreation resources are located, or in the District of Columbia.

(3) LIMITATIONS.—(A) No action may be commenced under paragraph (1) before 60 days after written notice of the violation has been given to the Secretary.

(B) Notwithstanding subparagraph (A), an action may be brought immediately after such notification in the case of an action under this section respecting an emergency posing a significant risk to the well-being of any species of fish or wildlife.

(C) Subparagraph (A) is intended to provide reasonable notice where possible and not to affect the jurisdiction of the courts.

(4) COSTS AWARDED BY THE COURT.—The Court may award costs of litigation (including reasonable attorney and expert witness fees and expenses) to any party, other than the United States, whenever the court determines such award is appropriate.

(5) DISCLAIMER.—The relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief.

(k) PRESERVATION OF STATE LAW.—Nothing in this section shall be deemed to preempt or supersede State law.

SEC. 208. LIMITATION ON HYDROPOWER OPERATIONS.

(a) LIMITATION.—Power generation facilities associated with the Central Utah Project and other features specified in titles II through V of this Act shall be operated and developed in accordance with the Act of April 11, 1956 (70 Stat. 109; 43 U.S.C. 620f).

(b) COLORADO RIVER BASIN WATERS.—Use of Central Utah Project water diverted out of the Colorado River Basin for power purposes shall only be incidental to the delivery of water for other authorized project purposes. Diversion of such waters out of the Colorado River Basin exclusively for power purposes is prohibited.

SEC. 209. OPERATING AGREEMENTS.

The District, in consultation with the Commission and the Utah Division of Water Rights, shall apply its best efforts to achieve operating agreements for the Jordanelle Reservoir, Deer Creek Reservoir, Utah Lake and Strawberry Reservoir within two years of the date of enactment of this Act.

SEC. 210. JORDAN AQUEDUCT PREPAYMENT.

Under such terms as the Secretary may prescribe, and within one year of the date of enactment of this Act, the Secretary shall allow for the prepayment, or shall otherwise dispose of repayment contracts entered into among the United States, the District, the Metropolitan Water District of Salt Lake City, and the Salt Lake County Water Conservancy District, dated May 16, 1986, providing for repayment of the Jordan Aqueduct System. In carrying out this section, the Secretary shall take such actions as he deems appropriate to accommodate, effectuate, and otherwise protect the rights and obligations of the United States and the obligors under the contracts executed to provide for payment of such repayment contracts.

SEC. 211. AUDIT OF CENTRAL UTAH PROJECT COST ALLOCATIONS.

Not later than one year after the date on which the Secretary declares the Central Utah Project to be substantially complete, the Comptroller General of the United States shall conduct an audit of the allocation of costs of the Central Utah Project to irrigation, municipal and industrial, and other project purposes and submit a report of such audit to the Secretary and to the Congress. The audit shall be conducted in accordance with regulations which the Comptroller General shall prescribe not later than one year after the date of enactment of this Act. Upon a review of such report, the Secretary shall reallocate such costs as may be necessary. Any amount allocated to municipal and industrial water in excess of the total maximum repayment obligation contained in repayment contracts dated December 28, 1965, and November 26, 1985, shall be deferred for as long as the District is not found to be in substantial noncompliance with the water management improvement program provided in section 207 and the stream flows provided in title III are maintained. If at any time the Secretary finds that such program is in substantial noncompliance or that such stream flows are not being maintained, the Secretary shall, within six months of such finding and after public notice, take action to initiate repayment of all such reimbursable costs.

SEC. 212. SURPLUS CROPS.

Notwithstanding any other provision of law relating to a charge for irrigation water supplied to surplus crops, until the construction costs of the facilities authorized by this title are repaid, the Secretary is directed to charge a surplus crop production charge equal to 10 percent of full cost, as defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb), for the delivery of project water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provision of the Agricultural Act of 1949, as amended, if the total supply of such commodity for the marketing years in which the bulk of the crop would normally be marketed is in excess of the normal supply as determined by the Secretary of Agriculture. The Secretary of the Interior shall announce the amount of the surplus crop production charge for the succeeding year on or before July 1 of each year.

TITLE III—FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION

SEC. 301. UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION.

(a) PURPOSE.—(1) The purpose of this section is to provide for the prompt establishment of the Utah Reclamation Mitigation and Conservation Commission in order to coordinate the implementation of the mitigation and conservation provisions of this Act among the Federal and State fish, wildlife, and recreation agencies.

(2) This section, together with applicable environmental laws and the provisions of other laws applicable to mitigation, conservation and enhancement of fish, wildlife, and recreation resources within the State, are all intended to be construed in a consistent manner. Nothing herein is intended to limit or restrict the authorities or opportunities of Federal, State, or local governments, or political subdivisions thereof, to plan, develop, or implement mitigation, conservation, or enhancement of fish, wildlife, and recreation resources in the State in accordance with other applicable provisions of Federal or State law.

(b) ESTABLISHMENT.—(1) There is established a commission to be known as the Utah Reclamation Mitigation and Conservation Commission.

(2) The Commission shall expire twenty years from the end of the fiscal year during which the Secretary declares the Central Utah Project to be substantially complete. The Secretary shall not declare the project to be substantially complete at least until such time as the mitigation and conservation projects and features provided for in section 315 have been completed in accordance with the fish, wildlife, and recreation mitigation and conservation schedule specified therein.

(c) DUTIES.—The Commission shall—

(1) formulate the policies and objectives for the implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in this Act;

(2) administer in accordance with subsection (f) the expenditure of funds for the implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in this Act;

(3) be considered a Federal agency for purposes of compliance with the requirements of all Federal fish, wildlife, recreation, and environmental laws, including (but not limited to) the Fish and Wildlife Coordination Act, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(4) develop, adopt, and submit plans and reports of its activities in accordance with subsection (g).

(d) MEMBERSHIP.—(1) The Commission shall be composed of five members appointed by the President within six months of the date of enactment of this Act, as follows:

(A) 1 from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish or wildlife matters or environmental conservation matters, submitted by the Speaker of the House of Representatives upon the recommendation of the members of the House of Representatives representing the State.

(B) 1 from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish or wildlife matters or environmental conservation matters, submitted by the majority leader of the Senate upon the recommendation of the members of the Senate representing the State.

(C) 1 from a list of residents of the State submitted by the Governor of the State composed of State wildlife resource agency personnel.

(D) 1 from a list of residents of the State submitted by the District.

(E) 1 from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish and wildlife matters or environmental conservation matters and have been recommended by Utah nonprofit sportsmen's or environmental organizations, submitted by the Governor of the State.

(2)(A) Except as provided in subparagraph (B), members shall be appointed for terms of four years.

(B) Of the members first appointed—

(i) the member appointed under paragraph (1)(C) shall be appointed for a term of three years; and

(ii) the member appointed under paragraph (1)(D) shall be appointed for a term of two years.

(3) A vacancy in the Commission shall be filled within 90 days and in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be paid at a rate equal to the daily equivalent of the maximum of the annual rate of basic pay in effect for grade GS–15 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(B) Members of the Commission who are full-time officers or employees of the United States or the State of Utah shall receive no additional pay by reason of their service on the Commission.

(5) Three members of the Commission shall constitute a quorum but a lesser number may hold public meetings authorized by the Commission.

(6) The Chairman of the Commission shall be elected by the members of the Commission. The term of office of the Chairman shall be one year.

(7) The Commission shall meet at least quarterly and may meet at the call of the Chairman or a majority of its members.

(e) DIRECTOR AND STAFF OF COMMISSION; USE OF CONSULTANTS.—(1) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule.

(2) With the approval of the Commission, the Director may appoint and fix the pay of such personnel as the Director considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(3) With the approval of the Commission, the Director may procure temporary and intermit-

tent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–15 of the General Schedule.

(4) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

(5) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(6) In times of emergency, as defined by rule by the Commission, the Director may exercise the full powers of the Commission until such times as the emergency ends or the Commission meets in formal session.

(f) IMPLEMENTATION OF MITIGATION AND CONSERVATION MEASURES.—(1) The Commission shall administer the mitigation and conservation funds available under this Act to conserve, mitigate, and enhance fish, wildlife, and recreation resources affected by the development and operation of Federal reclamation projects in the State of Utah. Such funds shall be administered in accordance with this section, the mitigation and conservation schedule in section 315 of this Act, and, if in existence, the applicable five year plan adopted pursuant to subsection (g). Expenditures of the Commission pursuant to this section shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law.

(2) REALLOCATION OF SECTION 8 FUNDS.—Notwithstanding any provision of this Act which provides that a specified amount of section 8 funds available under this Act shall be available only for a certain purpose, if the Commission determines, after public involvement and agency consultation as provided in subsection (g)(3), that the benefits to fish, wildlife, or recreation will be better served by allocating such funds in a different manner, then the Commission may reallocate any amount so specified to achieve such benefits: Provided, however, That the Commission shall obtain the prior approval of the United States Fish and Wildlife Service for any reallocation from fish or wildlife purposes to recreation purposes of any of the funds authorized in the schedule in section 315.

(3) FUNDING FOR NEPA COMPLIANCE.—The Commission shall annually provide funding on a priority basis for environmental mitigation measures adopted as a result of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for project features constructed pursuant to titles II and III of this Act.

(4) CONTRACTING AUTHORITY.—The Commission shall, for the purpose of carrying out this Act, enter into and perform such contracts, leases, grants, cooperative agreements, or other similar transactions, including the amendment, modification, or cancellation thereof and make the compromise or final settlement of any claim arising thereunder, with universities, non-profit organizations, and the appropriate public natural resource management agency or agencies, upon such terms and conditions and in such manner as the Comission may deem to be necessary or appropriate, for the implementation of the mitigation and conservation projects and features authorized in this Act, including actions necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(g) PLANNING AND REPORTING.—(1) Beginning with the first fiscal year after all members of the Commission are appointed initially, and every five years thereafter, the Commission shall develop and adopt by March 31 a plan for carrying out its duties during each succeeding five-year period. Each such plan shall consist of the specific objectives and measures the Commission intends to administer under subsection (f) during the plan period to implement the mitigation and conservation projects and features authorized in this Act.

(2) FINAL PLAN.—Within six months prior to the expiration of the Commission pursuant to this Act, the Commission shall develop and adopt a plan which shall—

(A) establish goals and measurable objectives for the mitigation and conservation of fish, wildlife, and recreation resources during the five year period following such expiration; and

(B) recommend specific measures for the expenditure of funds from the Account established under section 402 of this Act.

(3) PUBLIC INVOLVEMENT AND AGENCY CONSULTATION.—(A) Promptly after the Commission is established under this section, and in each succeeding fiscal year, the Commission shall request in writing from the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and county and municipal entities, and the public, recommendations for objectives and measures to implement the mitigation and conservation projects and features authorized in this Act or amendments thereto. The Commission shall establish by rule a period of time not less than 90 days in length within which to receive such recommendations, as well as the format for and the information and supporting data that is to accompany such recommendations.

(B) The Commission shall give notice of all recommendations and shall make the recommendations and supporting documents available to the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and the public. Copies of such recommendations and supporting documents shall be made available for review at the offices of the Commission and shall be available for reproduction at reasonable cost.

(C) The Commission shall provide for public involvement regarding the recommendations and supporting documents within such reasonable time as the Commission by rule deems appropriate.

(4) The Commission shall develop and amend the plans on the basis of such recommendations, supporting documents, and views and information obtained through public involvement and agency consultation. The Commission shall include in the plans measures which it determines, on the basis set forth in paragraph (f)(1), will—

(A) restore, maintain, or enhance the biological productivity and diversity of natural ecosystems within the State and have substantial potential for providing fish, wildlife, and recreation mitigation and conservation opportunities;

(B) be based on, and supported by, the best available scientific knowledge;

(C) utilize, where equally effective alternative means of achieving the same sound biological or recreational objectives exist, the alternative that will also provide public benefits through multiple resource uses;

(D) complement the existing and future activities of the Federal and State fish, wildlife, and recreation agencies and appropriate Indian tribes;

(E) utilize, when available, cooperative agreements and partnerships with private landowners and nonprofit conservation organizations; and

(F) be consistent with the legal rights of appropriate Indian tribes.

Enhancement measures may be included in the plans to the extent such measures are designed to achieve improved conservation or mitigation of resources.

(5) REPORTING.—(A) Beginning on December 1 of the first fiscal year in which all members of the Commission are appointed initially, the Commission shall submit annually a detailed report to the Committee on Energy and Natural Resources of the Senate, to the Committees on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives, to the Secretary, and to the Governor of the State. The report shall describe the actions taken and to be taken by the Commission under this section, the effectiveness of the mitigation and conservation measures implemented to date, and potential revisions or modifications to the applicable mitigation and conservation plan.

(B) At least 60 days prior to its submission of such report, the Commission shall make a draft of such report available to the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and the public, and establish procedures for timely comments thereon. The Commission shall include a summary of such comments as an appendix to such report.

(h) DISCRETIONARY DUTIES AND POWERS.—In addition to any other duties and powers provided by law:

(1) The Commission may depart from the fish, wildlife, and recreation mitigation and conservation schedule specified in section 315 whenever the Commission determines, after public involvement and agency consultation as provided for in this Act, that such departure would be of greater benefit to fish, wildlife, or recreation: Provided, however, That the Commission shall obtain the prior approval of the United States Fish and Wildlife Service for any reallocation from fish or wildlife purposes to recreation purposes of any of the funds authorized in the schedule in section 315.

(2) The Commission may, for the purpose of carrying out this Act—

(A) hold such public meetings, sit and act at such times and places, take such testimony, and receive such evidence, as a majority of the Commission considers appropriate; and

(B) meet jointly with other Federal or State authorities to consider matters of mutual interest.

(3) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Director of the Commission, the head of such department or agency shall furnish such information to the Commission. At the discretion of the department or agency, such information may be provided on a reimbursable basis.

(4) The Commission may accept, use, and dispose of appropriations, gifts or grants of money or other property, or donations of services, from whatever source, only to carry out the purposes of this Act.

(5) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(7) The Commission may acquire and dispose of personal and real property and water rights, and interests therein, through donation, purchase on a willing seller basis, sale, or lease, but not through direct exercise of the power of eminent domain, in order to carry out the purposes of this Act. This provision shall not affect any existing authorities of other agencies to carry out the purposes of this Act.

(8) The Commission may make such expenditures for offices, vehicles, furnishings, equipment, supplies, and books; for travel, training, and attendance at meetings; and for such other facilities and services as may be necessary for the administration of this Act.

(9) The Commission shall not participate in litigation, except litigation pursuant to subsection (1) or condemnation proceedings initiated by other agencies.

(i) FUNDING.—(1) Amounts appropriated to the Secretary for the Commission shall be paid to the Commission immediately upon receipt of such funds by the Secretary. The Commission shall expend such funds in accordance with this Act.

(2) For each fiscal year, the Commission is authorized to use for administrative expenses an amount equal to 10 percent of the amounts available to the Commission pursuant to this Act during such fiscal year, but not to exceed $1,000,000. Such amount shall be increased by the same proportion as the contributions to the Account under section 402(b)(3)(C).

(j) AVAILABILITY OF UNEXPENDED AMOUNTS UPON COMPLETION OF CONSTRUCTION PROJECTS.—Notwithstanding any other provision of law, upon the completion of any project authorized under this title, Federal funds appropriated for that project but not obligated or expended shall be deposited in the Account pursuant to section 402(b)(4)(D) and shall be available to the Commission in accordance with section 402(c)(2).

(k) TRANSFER OF PROPERTY AND AUTHORITY HELD BY THE COMMISSION.—Except as provided in section 402(b)(4)(A), upon the termination of the Commission in accordance with subsection (b)—

(1) the duties of the Commission shall be performed by the Utah Division of Wildlife Resources, which shall exercise such authority in consultation with the United States Fish and Wildlife Service, the District, the Bureau, and the Forest Service; and

(2) title to any real and personal properties then held by the Commission shall be transferred to the appropriate division within Utah Department of Natural Resources or, for such parcels of real property as may be within the boundaries of Federal land ownerships, to the appropriate Federal agency.

(l) REPRESENTATION BY ATTORNEY GENERAL.—The Attorney General of the United States shall represent the Commission in any litigation to which the Commission is a party.

(m) CONGRESSIONAL OVERSIGHT.—The activities of the Commission shall be subject to oversight by the Congress.

(n) TERMINATION OF BUREAU ACTIVITIES.—Upon appointment of the Commission as provided in subsection (b), the responsibility for implementing section 8 funds for mitigation and conservation projects and features authorized in this Act shall be transferred from the Bureau to the Commission.

SEC. 302. INCREASED PROJECT WATER CAPABILITY.

(a) ACQUISITION.—The District shall acquire, on an expedited basis with funds to be provided by the Commission in accordance with the schedule specified in section 315, by purchase from willing sellers or exchange, 25,000 acre-feet of water rights in the Utah Lake drainage basin to achieve the purposes of this section. Water purchases which would have the effect of compromising groundwater resources or dewatering agricultural lands in the Upper Provo River areas should be avoided. Of the amounts authorized to be appropriated by section 201, $15,000,000 shall be available only for the purposes of this subsection.

(b) NONCONSUMPTIVE RIGHTS.—A non-consumptive right in perpetuity to any water acquired under this section shall be tendered in accordance with the laws of the State of Utah within 30 days of its acquisition by the District to the Utah Division of Wildlife Resources for the purposes of maintaining instream flows provided for in section 303(c)(3) and 303(c)(4) for fish, wildlife, and recreation in the Provo River.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by section 201, $4,000,000 shall be available only to modify existing or construct new diversion structures on the Provo River below the Murdock diversion to facilitate the purposes of this section.

SEC. 303. STREAM FLOWS.

(a) STREAM FLOW AGREEMENT.—The District shall annually provide, from project water if necessary, amounts of water sufficient to sustain the minimum stream flows established pursuant to the Stream Flow Agreement.

(b) INCREASED FLOWS IN THE UPPER STRAWBERRY RIVER TRIBUTARIES.—(1) The District shall acquire, on an expedited basis with funds to be provided by the Commission, or by the Secretary in the event the Commission has not been established, in accordance with State law, the provisions of this section, and the schedule specified in section 315, all of the Strawberry basin water rights being diverted to the Herber Valley through the Daniels Creek drainage and shall apply such rights to increase minimum stream flows—

(A) in the upper Strawberry River and other tributaries to the Strawberry Reservoir;

(B) in the lower Strawberry River from the base of Soldier Creek Dam to Starvation Reservoir; and

(C) in other streams within the Uinta basin affected by the Strawberry Collection System in such a manner as deemed by the Commission in consultation with the United States Fish and Wildlife Service and the Utah State Division of Wildlife Resources to be in the best interest of fish and wildlife.

The Commission's decision under subparagraph (C) shall not establish a statutory or otherwise mandatory minimum stream flow.

(2) The District may acquire the water rights identified in paragraph (1) prior to completion of the facilities identified in paragraph (3) only by lease and for a period not to exceed two years from willing sellers or by replacement or exchange of water in kind. Such leases may be extended for one additional year with the consent of Wasatch and Utah counties. The District shall proceed to fulfill the purposes of this subsection on an expedited basis but may not lease water from the Daniels Creek Irrigation Company before the beginning of fiscal year 1993.

(3)(A) The District shall construct with funds provided for in paragraph (4) a Daniels Creek replacement pipeline from the Jordanelle Reservoir to the existing Daniels Creek Irrigation Company Water storage facility for the purpose of providing a permanent replacement of water in an amount equal to the Strawberry basin water being supplied by the District for stream flows provided in paragraph (1) which would otherwise have been diverted to the Daniels Creek drainage.

(B) Such Daniels Creek replacement water may be exchanged by the District in accordance with State law with the Strawberry basin water identified above to provide a permanent supply of water for minimum flows provided in paragraph (1). Any such permanent replacement water so exchanged into the Strawberry basin by the District shall be tendered in accordance with State law within 30 days of its exchange by the District to the Utah Division of Wildlife Resources for the purposes of providing stream flows under paragraph (1).

(C) The Daniels Creek replacement water to be supplied by the District shall be at least equal in quality and reliability to the Daniels Creek water being replaced and shall be provided by the District at a cost to the Daniels Creek Irrigation Company which does not exceed the cost of supplying existing water deliveries (including operation and maintenance) through the Daniels Creek diversion.

(4) Of the amounts authorized to be appropriated by section 201, $10,500,000 shall be available to fulfill the purposes of this section as follows:

(A) $500,000 for leasing of water pursuant to paragraph (2).

(B) $10,000,000 for construction of the Daniels Creek replacement pipeline.

(C) Funds provided by this paragraph shall not be subject to the requirements of section 204 and shall be included in the final cost allocation provided for in section 211; except that not less than $3,500,000 shall be treated as an expense under section 8, and $7,000,000 shall be treated as an expense under section 5 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 105).

(D) Funds provided for the Daniels Creek replacement pipeline may be expended so as to integrate such pipeline with the Wasatch County conservation measures provided for in section 207(e)(2) and the Wasatch County Water Efficiency Project authorized in section 202(a)(3).

(c) STREAM FLOWS IN THE BONNEVILLE UNIT.—The yield and operating plans for the Bonneville Unit of the Central Utah Project shall be established or adjusted to provide for the following minimum stream flows, which flows shall be provided continuously and in perpetuity from the date first feasible, as determined by the Commission in consultation with the United States Fish and Wildlife Service and the Utah State Division of Wildlife Resources:

(1) In the Diamond Fork River drainage subsequent to completion of the Monks Hollow Dam or other structure that rediverts water from the Diamond Fork River Drainage into the Diamond Fork component of the Bonneville Unit of the Central Utah Project—

(A) in Sixth Water Creek, from the exit of Strawberry Valley tunnel to the Last Chance Powerplant and Switchyard, not less than 32 cubic feet per second during the months of May through October and not less than 25 cubic feet per second during the months of November through April; and

(B) in the Diamond Fork River, from the bottom of the Monks Hollow Dam to the Spanish Fork River, not less than 80 cubic feet per second during the months of May through September and not less than 60 cubic feet per second during the months of October through April, which flows shall be provided by the Bonneville Unit of the Central Utah Project.

(2) In the Provo River from the base of Jordanelle Dam to Deer Creek Reservoir a minimum of 125 cubic feet per second.

(3) In the Provo River from the confluence of Deer Creek and the Provo River to the Olmsted Diversion a minimum of 100 cubic feet per second.

(4) Upon the acquisition of the water rights in the Provo Drainage identified in section 302, in the Provo River from the Olmsted Diversion to Utah Lake, a minimum of 75 cubic feet per second.

(5) In the Strawberry River, from the base of Starvation Dam to the confluence with the Duchesne River, a minimum of 15 cubic feet per second.

(d) MITIGATION OF EXCESSIVE FLOWS IN THE PROVO RIVER.—The District shall, with public involvement, prepare and conduct a study and develop a plan to mitigate the effects of peak season flows in the Provo River. Such study and plan shall be developed in consultation with the Fish and Wildlife Service, the Utah Division of Water Rights, the Utah Division of Wildlife Resources, affected water right holders and users, the Commission, and the Bureau. The study and plan shall discuss and be based upon, at a minimum, all mitigation and conservation opportunities identified through—

(1) a fishery and recreational use study that addresses anticipated peak flows;

(2) study of the mitigation and conservation opportunities possible through habitat or stream bed modification;

(3) study of the mitigation and conservation opportunities associated with the operating agreements referred to in section 209;

(4) study of the mitigation and conservation opportunities associated with the water acquisitions contemplated by section 302;

(5) study of the mitigation and conservation opportunities associated with section 202(2);

(6) study of the mitigation and conservation opportunities available in connection with water right exchanges; and

(7) study of the mitigation and conservation opportunities that could be achieved by construction of a bypass flowline from the base of Deer Creek Reservoir to the Olmsted Diversion.

(e) EARMARK.—Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only for the implementation of subsection (d).

(f) STRAWBERRY VALLEY TUNNEL.—(1) Upon completion of the Diamond Fork System, the Strawberry Tunnel shall not be used except for deliveries of water for the instream purposes specified in subsection (c). All other waters for the Bonneville Unit and Strawberry Valley Reclamation Project purposes shall be delivered through the Diamond Fork System.

(2) Paragraph (1) shall not apply during any time in which the District, in consultation with the Commission, has determined that the Syar Tunnel or the Sixth Water Aqueduct is rendered unusable or emergency circumstances require the use of the Strawberry Tunnel for the delivery of contracted Central Utah Project water and Strawberry Valley Reclamation Project water.

SEC. 304. FISH, WILDLIFE, AND RECREATION PROJECTS IDENTIFIED OR PROPOSED IN THE 1988 DEFINITE PLAN REPORT FOR THE CENTRAL UTAH PROJECT.

The fish, wildlife, and recreation projects identified or proposed in the 1988 Definite Plan Report which have not been completed as of the date of enactment of this Act shall be completed in accordance with the 1988 Definite Plan Report and the schedule specified in section 315, unless otherwise provided in this Act.

SEC. 305. WILDLIFE LANDS AND IMPROVEMENTS.

(a) ACQUISITION OF RANGELANDS.—In addition to lands acquired on or before the date of enactment of this Act and in addition to the acreage to be acquired in accordance with the 1988 Definite Plan Report, the Commission shall acquire on an expedited basis from willing sellers, in accordance with the schedule specified in section 315 and a plan to be developed by the Commission, big game winter range lands to compensate for the impacts of Federal reclamation projects in Utah. Such lands shall be transferred to the Utah Division of Wildlife Resources or, for such parcels as may be within the boundaries of Federal land ownerships, to the appropriate Federal agency, for management as a big game winter range. Of the amounts authorized to be appropriated by section 201, $1,300,000 shall be available only for the purposes of this subsection.

(b) BIG GAME CROSSINGS AND WILDLIFE ESCAPE RAMPS.—In addition to the measures to be taken in accordance with the 1988 Definite Plan Report, the Commission shall construct big game crossings and wildlife escape ramps for the protection of big game animals along the Provo Reservoir Canal, Highline Canal, Strawberry Power Canal, and others. Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only for the purposes of this subsection.

SEC. 306. WETLANDS ACQUISITION, REHABILITATION, AND ENHANCEMENT.

(a) WETLANDS AROUND THE GREAT SALT LAKE.—Of the amounts authorized to be appropriated by section 201, $14,000,000 shall be available only for the planning and implementation of projects to preserve, rehabilitate, and enhance wetland areas around the Great Salt Lake in accordance with a plan to be developed by the Commission.

(b) INVENTORY OF SENSITIVE SPECIES AND ECOSYSTEMS.—(1) The Commission shall, in cooperation with the Utah Division of Wildlife Resources and other appropriate State and Federal agencies, inventory, prioritize, and map the occurrences in Utah of sensitive nongame wildlife species and their habitats.

(2) Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only to carry out paragraph (1) of this section.

(3) The Commission shall, in cooperation with the Utah Department of Natural Resources and other appropriate State and Federal agencies, inventory, prioritize, and map the occurrences in Utah of sensitive plant species and ecosystems.

(4) Of the amounts authorized to be appropriated by section 201, $750,000 shall be available for the Utah Natural Heritage Program only to carry out paragraph (3) of this section.

(c) UTAH LAKE WETLANDS PRESERVE.—(1) The Commission, in consultation with the Utah Division of Wildlife Resources and the United States Fish and Wildlife Service, shall, in accordance with paragraph (9), acquire private land, water rights, conservation easements, or other interests therein, necessary for the establishment of a wetlands preserve adjacent to or near the Goshen Bay and Benjamin Slough areas of Utah Lake as depicted on a map entitled "Utah Lake Wetland Preserve" and dated September, 1990. Such a map shall be on file and available for inspection in the office of the Secretary of the Interior, Washington, District of Columbia.

(2) The Secretary shall enter into an agreement under which the Wetlands Preserve acquired under subparagraph (1) shall be managed by the Utah Division of Wildlife Resources pursuant to a plan developed in consultation with the Secretary and in accordance with this Act and the substantive requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(3) The Wetlands Preserve shall be managed for the protection of migratory birds, wildlife habitat, and wetland values in a manner compatible with the surrounding farmlands, orchards, and agricultural production area. Grazing will be allowed for wildlife habitat management purposes in accordance with the Act referenced in paragraph (2) and as determined by the Division to be compatible with the purposes stated herein.

(4) Nothing in this subsection shall restrict traditional agricultural practices (including the use of pesticides) on adjacent properties not included in the preserve by acquisition or easement.

(5) Nothing in this subsection shall affect existing water rights under Utah State law.

(6) Nothing in this subsection shall grant authority to the Secretary to introduce a Federally protected species into the wetlands preserve.

(7) The creation of this preserve shall not in any way interfere with the operation of the irrigation and drainage system authorized by section 202(a)(1).

(8) All water rights not appurtenant to the lands purchased for the Wetlands Preserve acquired under paragraph (1) shall be purchased from the District at an amount not to exceed the cost of the District in acquiring such rights.

(9) Of the amounts authorized to be appropriated by section 201, $16,690,000 shall be available for acquisition of the lands, water rights, and other interests therein described in paragraph (1) of this subsection for the establishment of the Utah Lake Wetland Preserve.

(10) Lands, easements, or water rights may not be acquired pursuant to this subsection without the consent of the owner of such lands or water rights.

(11) Base property of a lessee or permittee (and the heirs of such lessee or permittee) under a Federal grazing permit or lease held on the date of enactment of this Act shall include any land of such lessee or permittee acquired by the Commission under this subsection.

(d) PROVO BAY.—In order to protect wetland habitat, the United States shall not issue any Federal permit which allows commercial, industrial, or residential development on the southern portion of Provo Bay in Utah Lake, as described herein and depicted on a map dated October 11, 1990, except that recreational development consistent with wildlife habitat values shall be permitted. The southern portion of Provo Bay referred to in this subsection shall be that area extending 2000 feet out into the Bay from the ordinary high water line on the south shore of Provo Bay, beginning at a point at the mouth of the Spanish Fork River and extending generally eastward along the ordinary high water line to the intersection of such line with the Provo City limit, as it existed as of October 10, 1990, on the east shore of the Bay. Such a map shall be on file and available for inspection in the office of the Secretary of the Interior, Washington, District of Columbia. Nothing in this Act shall restrict present or future development of the Provo City Airport or airport access roads along the north side of Provo Bay.

SEC. 307. FISHERIES ACQUISITION, REHABILITATION, AND ENHANCEMENT.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be in addition to amounts available under the 1988 Definite Plan Report and shall be available only for fisheries acquisition, rehabilitation, and improvement within the State:

(1) $750,000 for fish habitat restoration on the Provo River between the Jordanelle and Deer Creek Reservoirs.

(2) $4,000,000 for fish habitat restoration in streams impacted by Federal reclamation projects in Utah.

(3) $1,000,000 for the restoration of tributaries of the Strawberry Reservoir to assure trout spawning recruitment.

(4) $1,500,000 for post-treatment management and fishery development costs at the Strawberry Reservoir.

(5) $1,000,000 for (A) a study to be conducted as directed by the Commission to determine the appropriate means for improving Utah Lake as a warm water fishery and other related issues; and

(B) development of facilities and programs to implement management objectives.

(6) $1,000,000 for fish habitat restoration and improvements in the Diamond Fork River and Sixth Water Creek drainages.

(7) $475,000 for the restoration of native cutthroat trout populations in streams and lakes in the Bonneville Unit project area.

(8) $2,500,000 for watershed restoration and improvements, erosion control, and wildlife habitat restoration and improvements in the Avintaquin, Red, and Current Creek drainages and other Strawberry River drainages affected by the development of Federal reclamation projects in Utah.

SEC. 308. STABILIZATION OF HIGH MOUNTAIN LAKES IN THE UINTA MOUNTAINS.

(a) REVISION OF PLAN.—The project plan for the stabilization of high mountain lakes in the Upper Provo River drainage shall be revised to require that the following lakes will be stabilized at levels beneficial for fish habitat and recreation: Big Elk, Crystal, Duck, Fire, Island, Long, Wall, Marjorie, Pot, Star, Teapot, and Weir. Overland access by vehicles or equipment

for stabilization and irrigation purposes under this subsection shall be minimized within the Lakes Management Area boundary, as depicted on the map in the Wasatch-Cache National Forest Plan (p. IV–166, dated 1987), to a level of practical necessity.

(b) COSTS OF REHABILITATION.—(1) The costs of rehabilitating water storage features at Trial, Washington, and Lost Lakes, which are to be used for project purposes, shall be borne by the project from amounts made available pursuant to section 201. Existing roads may be used for overland access to carry out such rehabilitation.

(2) The costs of stabilizing each of the lakes referred to in subsection (a) which is to be used for a purpose other than irrigation shall be treated as an expense under section 8.

(c) FISH AND WILDLIFE HABITAT.—Of the amounts authorized to be appropriated by section 201, $5,000,000 shall be available only for stabilization and fish and wildlife habitat restoration in the lakes referred to in subsection (a). This amount shall be in addition to the $7,538,000 previously authorized for appropriation under section 5 of the Act of April 11, 1956 (43 U.S.C. 620g) for the stabilization and rehabilitation of the lakes described in this section.

SEC. 309. STREAM ACCESS AND RIPARIAN HABITAT DEVELOPMENT.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by section 201, the following amounts shall be in addition to amounts available under the 1988 Definite Plan Report and shall be available only for stream access and riparian habitat development in the State:

(1) $750,000 for rehabilitation of the Provo River riparian habitat development between Jordanville Reservoir and Utah Lake.

(2) $250,000 for rehabilitation and development of watersheds and riparian habitats along Diamond Fork and Sixth Water Creek.

(3) $350,000 for additional watershed stabilization, terrestrial wildlife and riparian habitat improvements, and road closures within the Central Utah Project area.

(4) $8,500,000 for the acquisition of additional recreation and angler accesses and riparian habitats, which accesses and habitats shall be acquired in accordance with the recommendation of the Commission.

(b) STUDY OF IMPACT TO WILDLIFE AND RIPARIAN HABITATS WHICH EXPERIENCE REDUCED WATER FLOWS AS A RESULT OF THE STRAWBERRY COLLECTION SYSTEM.—Of the amounts authorized to be appropriated by section 201, $400,000 shall be available only for the Commission to conduct a study of the impacts to soils and riparian fish and wildlife habitat in drainages that will experience substantially reduced water flows resulting from the operation of the Strawberry Collection System. The study shall identify mitigation opportunities that represent alternatives to increasing stream flows and make recommendations to the Commission.

SEC. 310. SECTION 8 EXPENSES.

(a) Unless otherwise expressly provided, all of the amounts authorized to be appropriated by this Act and listed in subsection (b) of this section shall be treated as expenses under section 8.

(b) The sections referred to in subsection (a) of this section are as follows: Title III, and 402(b)(2).

SEC. 311. JORDAN AND PROVO RIVER PARKWAYS AND NATURAL AREAS.

(a) FISHERIES.—Of the amounts authorized to be appropriated by section 201, $1,150,000 shall be available only for fish habitat improvements to the Jordan River.

(b) RIPARIAN HABITAT REHABILITATION.—Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only for Jordan River riparian habitat rehabilitation, which amount shall be in addition to amounts available under the 1988 Definite Plan Report.

(c) WETLANDS.—Of the amounts authorized to be appropriated by section 201, $7,000,000 shall be available only for the acquisition of wetland acreage, including those along the Jordan River identified by the multi-agency technical committee for the Jordan River Wetlands Advance Identification Study.

(d) RECREATIONAL FACILITIES.—(1) Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only to construct recreational facilities within Salt Lake County proposed by the State of Utah for the "Provo/Jordan River Parkway", a description of which is set forth in the report to accompany the bill H.R. 429 (S. Rept. 102–267).

(2) Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only to construct recreational facilities within Utah and Wasatch Counties proposed by the State of Utah for the "Provo/Jordan River Parkway", a description of which is set forth in the report to accompany the bill H.R. 429 (S. Rept. 102–267).

(e) PROVO RIVER CORRIDOR.—Of the amounts authorized to be appropriated by section 201, $1,000,000 shall be available only for riparian habitat acquisition and preservation, stream habitat improvements, and recreation and angler access provided on a willing seller basis along the Provo River from the Murdock diversion to Utah Lake, as determined by the Commission after consultation with local officials.

SEC. 312. RECREATION.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be available to the Commission only for Central Utah Project recreation features:

(a) $2,000,000 for Utah Lake recreational improvements as proposed by the State and local governments.

(b) $750,000 for additional recreation improvements, which shall be made in accordance with recommendations made by the Commission, associated with Central Utah Project features and affected areas, including camping facilities, hiking trails, and signing.

SEC. 313. FISH AND WILDLIFE FEATURES IN THE COLORADO RIVER STORAGE PROJECT.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be available only to provide mitigation and restoration of watersheds and fish and wildlife resources in Utah impacted by the Colorado River Storage Project:

(a) HABITAT IMPROVEMENTS IN CERTAIN DRAINAGES.—$1,125,000 shall be available only for watershed and fish and wildlife improvements in the Fremont River drainage, which shall be expended in accordance with a plan developed by the Commission in consultation with the Wayne County Water Conservancy District.

(b) SMALL DAMS AND WATERSHED IMPROVEMENTS.—$4,000,000 shall be available only for land acquisition for the purposes of watershed restoration and protection in the Albion Basin in the Wasatch Mountains and for restoration and conservation related improvements to small dams and watersheds on State of Utah lands and National Forest System lands within the Central Utah Project and the Colorado River Storage Project area in Utah, which amounts shall be expended in accordance with a plan developed by the Commission.

(c) FISH HATCHERY PRODUCTION.—$22,800,000 shall be available only for the planning and implementation of improvements to existing hatchery facilities or the construction and development of new fish hatcheries to increase production of warmwater and coldwater fishes for the areas affected by the Colorado River Storage Project in Utah. Such improvements and construction shall be implemented in accordance with a plan identifying the long-term needs and management objectives for hatchery production prepared by the United States Fish and Wildlife Service, in consultation with the Utah Division of Wildlife Resources, and adopted by the Commission. The cost of operating and maintaining such new or improved facilities shall be borne by the Secretary.

SEC. 314. CONCURRENT MITIGATION APPROPRIATIONS.

Notwithstanding any other provision of this Act, the Secretary is directed to allocate funds appropriated for each fiscal year pursuant to titles II through IV of this Act as follows:

(a) Deposit the Federal contribution to the Account authorized in section 402(b)(2); then,

(b) Of any remaining funds, allocate the amounts available for implementation of the mitigation and conservation projects and features specified in the schedule in section 315 concurrently with amounts available for implementation of title II of this Act.

(c) Of the amounts allocated for implementation of the mitigation and conservation projects and features specified in the schedule in section 315, three percent of the total shall be used by the Secretary to fulfill subsections (d) and (e) of this section.

(d) The Secretary shall use the sums identified in subsection (c) outside the State of Utah to—

(1) restore damaged natural ecosystems on public lands and waterways affected by the Federal Reclamation program;

(2) acquire, from willing sellers only, other lands and properties, including water rights, or appropriate interests therein, with restorable damaged natural ecosystems, and restore such ecosystems;

(3) provide jobs and sustainable economic development in a manner that carries out the other purposes of this subsection;

(4) provide expanded recreational opportunities; and

(5) support and encourage research, training, and education in methods and technologies and ecosystem restoration.

(e) In implementing subsection (d), the Secretary shall give priority to restoration and acquisition of lands and properties or appropriate interests therein where repair of compositional, structural, and functional values will—

(1) reconstitute natural biological diversity that has been diminished;

(2) assist the recovery of species populations, communities, and ecosystems that are unable to survive on-site without intervention;

(3) allow reintroduction and reoccupation by native flora and fauna;

(4) control or eliminate exotic flora and fauna that are damaging natural ecosystems;

(5) restore natural habitat for the recruitment and survival of fish, waterfowl, and other wildlife;

(6) provide additional conservation values to state and local government lands;

(7) add to structural and compositional values of existing ecological preserves or enhance the viability, defensibility, and manageability of ecological preserves; and

(8) restore natural hydrological effects including sediment and erosion control, drainage, percolation, and other water quality improvement capacity.

SEC. 315. FISH, WILDLIFE, AND RECREATION SCHEDULE.

The mitigation and conservation projects and features shall be implemented in accordance with the following schedule:

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Instream flows				
1.a Lease of Daniels Creek water rights	$500	$500	$0	$0
b. Acquisition of Daniels Creek water rights to restore Upper Strawberry River flows and the Daniels Creek replacement pipeline ($3,500,000 shall be treated as section 8) [Sec. 303(b)]	$10,000	$10,000	$0	$0
2.a. Acquisition of 25,000 AF on Provo River for streamflows from Murdock Diversion to Utah Lake [Sec. 302]	$15,000	$5,000	$5,000	$5,000
b. Modify or replace diversion structures on Provo River from Murdock Diversion to Utah Lake [Sec. 302]	$4,000	$500	$1,500	$1,500
3. Study and mitigation plan for excessive flows in the Provo River [Sec. 303(d)]	$500	$100	$100	$100
Subtotal	$30,000	$16,100	$6,600	$6,600
	FY96	FY97	FY98	
Instream flows				
1.a. Lease of Daniels Creek water rights	$0	$0	$0	
b. Acquisition of Daniels Creek water rights to restore Upper Strawberry River flows and the Daniels Creek replacement pipeline ($3,500,000 shall be treated as section 8) [Sec. 303(b)]	$0	$0	$0	
2.a. Acquisition of 25,000 AF on Provo River for streamflows from Murdock Diversion to Utah Lake [Sec. 302]	$0	$0	$0	
b. Modify or replace diversion structures on Provo River from Murdock Diversion to Utah Lake [Sec. 302]	$500	$0	$0	
3. Study and mitigation plan for excessive flows in the Provo River [Sec. 303(d)]	$100	$100	$0	
Subtotal	$600	$100	$0	
Wildlife lands and improvement				
1. Acquisition of big game winter range [Sec. 305(a)]	$1,300	$0	$100	$200
2. Construction of big game crossings and escape ramps—Provo Res. Canal, Highline Canal, Strawberry Power Canal or others [Sec. 305(b)]	$750	$0	$0	$250
Subtotal	$2,050	$0	$100	$450
	FY96	FY97	FY98	
Wildlife lands and improvement				
1. Acquisition of big game winter range [Sec. 305(a)]	$500	$500	$0	
2. Construction of big game crossings and escape ramps—Provo Res. Canal, Highline Canal, Strawberry Power Canal or others [Sec. 305(b)]	$250	$250	$0	
Subtotal	$750	$750	$0	
	TOTAL	FY93	FY94	FY95
Wetland acquisitions rehabilitation, and development				
1. Rehabilitation & enhancement of wetlands around Great Salt Lake [Sec. 306(a)]	$14,000	$1,000	$2,600	$2,600
2. Wetland acquisition along the Jordan River [Sec. 311(c)]	$7,000	$300	$1,200	$1,500
3. Inventory of sensitive species and ecosystems [Sec. 306(b)]	$1,500	$250	$250	$250
4. Acquisition of lands, waters, and interests for Utah Lake Wetland Preserve [Sec. 306(c)(9)]	$16,690	$1,690	$3,000	$3,000
Subtotal	$39,190	$3,240	$7,050	$7,350
	FY96	FY97	FY98	
Wetland acquisition, rehabilitation, and development				
1. Rehabilitation & enhancement of wetlands around Great Salt Lake [Sec. 306(a)]	$2,600	$2,600	$2,600	
2. Wetland acquisition along the Jordan River [Sec. 311(c)]	$2,000	$2,600	$0	
3. Inventory of sensitive species and ecosystems [Sec. 306(b)]	$250	$250	$250	
4. Acquisition of lands, waters, and interests for Utah Lake Wetland Preserve [Sec. 303(c)(9)]	$3,000	$3,000	$3,000	
Subtotal	$7,850	$7,850	$5,850	
Fisheries acquisition and restoration				
1. Fish habitat restoration on Provo River between Jordanelle Dam and Deer Creek Reservoir [Sec. 307(1)]	$750	$50	$0	$100
2. Fish habitat improvements to streams impacted by Federal reclamation projects in Utah [Sec. 307(2)]	$4,000	$0	$400	$600
3. Rehabilitation of tributaries to Strawberry Reservoir for trout reproduction [Sec. 307(3)]	$1,000	$200	$200	$200
4. Strawberry Reservoir post-treatment management and development [Sec. 307(4)]	$1,500	$300	$300	$300
5. Study and facilitate development to improve Utah Lake warm-water fishery [Sec. 307(5)]	$1,000	$150	$150	$200
6. Fish habitat improvements to Diamond Fork and Sixth Water Creek drainages [Sec. 307(6)]	$1,000	$0	$0	$0
7. Restoration of native cutthroat trout populations [Sec. 307(7)]	$475	$50	$50	$75
8. Fish habitat improvements to the Jordan River [Sec. 311(a)]	$1,150	$0	$0	$100
9. Stabilization of Upper Provo River reservoirs for fishery improvement [Sec. 308]	$5,000	$0	$0	$0
10. Development of additional fish hatchery production for CRSP waters in Utah [Sec. 313]	$22,800	$100	$3,500	$4,200
Subtotal	$38,675	$850	$4,600	$5,775
	FY96	FY97	FY98	
Fisheries acquisition and restoration				
1. Fish habitat restoration on Provo River between Jordanelle Dam and Deer Creek Reservoir [Sec. 307(1)]	$200	$200	$200	
2. Fish habitat improvements to streams impacted by Federal reclamation projects in Utah [Sec. 307(2)]	$1,000	$1,000	$1,000	
3. Rehabilitation of tributaries to Strawberry Reservoir for trout reproduction [Sec. 307(3)]	$200	$200	$0	
4. Strawberry Reservoir post-treatment management and development [Sec. 307(4)]	$300	$300	$0	
5. Study and facilitate development to improve Utah Lake warmwater fishery [Sec. 307(5)]	$150	$150	$200	
6. Fish habitat improvements to Diamond Fork and Sixth Water Creek drainages [Sec. 307(6)]	$100	$500	$400	
7. Restoration of native cutthroat trout populations [Sec. 307(7)]	$100	$100	$100	
8. Fish habitat improvements to the Jordan River [Sec. 311(a)]	$300	$400	$350	
9. Stabilization of Upper Provo River reservoirs for fishery improvement [Sec. 308]	$500	$2,000	$2,500	
10. Development of additional fish hatchery production for CRSP waters in Utah [Sec. 313]	$5,000	$5,000	$5,000	
Subtotal	$7,850	$9,850	$9,750	

Watershed Improvements

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
1. Projects for watershed improvement, erosion control, wildlife range improvements in Avintaquin Cr, Red Cr, Currant Cr and other drainages [Sec. 307(8)]	$2,500	$0	$500	$500
2. Watershed, stream and riparian improvements in Fremont River drainage [Sec. 313(a)]	$1,125	$125	$200	$200
3. Small dam and watershed improvements in the CRSP area in Utah [Sec. 313(b)]	$4,000	$500	$700	$700
Subtotal	$7,625	$625	$1,400	$1,400
	FY96	FY97	FY98	
Watershed Improvements				
1. Projects for watershed improvement, erosion control, wildlife range improvements in Avintaquin Cr, Red Cr, Currant Cr and other drainages [Sec. 307(8)]	$500	$500	$500	
2. Watershed, stream and riparian improvements in Fremont River drainage [Sec. 313(a)]	$200	$200	$200	
3. Small dam and watershed improvements in the CRSP area in Utah [Sec. 313(b)]	$700	$700	$700	
Subtotal	$1,400	$1,400	$1,400	
	TOTAL	FY93	FY94	FY95
Stream Access and Riparian Habitat Development				
1. Rehabilitation of riparian habitat along Provo River from Jordanelle Dam to Utah Lake [Sec. 309(a)(1)]	$750	$0	$250	$250
2. Restoration of watersheds and riparian habitats in the Diamond Fork and Sixth Water Creek drainages [Sec. 309(a)(2)]	$250	$0	$0	$50
3. Watershed stabilization, terrestrial wildlife habitat improvements and road closures [Sec. 309(a)(3)]	$350	$0	$0	$50
4. Acquisition of angler and other recreational access, in addition to the 1988 DPR [Sec. 309(a)(4)]	$8,500	$500	$1,000	$1,500
5. Study of riparian impacts caused by CUP from reduced streamflows, and identify mitigation opportunities [Sec. 309(b)]	$400	$50	$75	$75
6. Riparian rehabilitation and development along Jordan River [Sec. 311(b)]	$750	$75	$75	$150
Subtotal	$11,000	$625	$1,400	$2,075
	FY96	FY97	FY98	
Stream Access and Riparian Habitat Development				
1. Rehabilitation of riparian habitat along Provo River from Jordanelle Dam to Utah Lake [Sec. 309(a)(1)]	$250	$0	$0	
2. Restoration of watersheds and riparian habitats in the Diamond Fork and Sixth Water Creek drainages [Sec. 309(a)(2)]	$100	$100	$0	
3. Watershed stabilization, terrestrial wildlife habitat improvements and road closures [Sec. 309(a)(3)]	$100	$100	$100	
4. Acquisition of angler and other recreational access, in addition to the 1988 DPR [Sec. 309(a)(4)]	$1,500	$2,000	$2,000	
5. Study of riparian impacts caused by CUP from reduced streamflows, and identify mitigation opportunities [Sec. 309(b)]	$75	$75	$50	
6. Riparian rehabilitation and development along Jordan River [Sec. 311(b)]	$150	$150	$150	
Subtotal	$2,175	$2,425	$2,300	
Recreation funds				
1. Recreational improvements at Utah Lake [Sec. 312(a)]	$2,000	$125	$275	$400
2. Recreation facilities at other CUP features, as recommended [Sec. 312(b)]	$750	$50	$100	$150
3. Provo/Jordan River Parkway Development [Sec. 311(d)]	$1,000	$0	$75	$75
4. Provo River corridor development [Sec. 311(e)]	$1,000	$0	$75	$75
Subtotal	$4,750	$175	$525	$700
Total Additional	$133,290	$11,115	$25,175	$24,350
	FY96	FY97	FY98	
Recreation funds				
1. Recreational improvements at Utah Lake [Sec. 312(a)]	$400	$400	$400	
2. Recreation facilities at other CUP features, as recommended [Sec. 312(b)]	$150	$150	$150	
3. Provo/Jordan River Parkway Development [Sec. 311(d)]	$200	$300	$350	
4. Provo River corridor development [Sec. 311(e)]	$200	$300	$350	
Subtotal	$950	$1,150	$1,250	
Total Additional	$21,575	$23,525	$20,550	
	TOTAL	FY93	FY94	FY95
Strawberry collection system				
1. Acquire angler access on about 35 miles of streams identified in the Aquatic Mitigation Plan	$2,700	$900	$900	$900
2. Construct fish habitat improvements on about 70 miles of streams as identified in the Aquatic Mitigation Plan	$3,990	$666	$803	$790
3. Rehabilitation of Strawberry Project wildlife and riparian habitats	$3,000	$600	$600	$600
Subtotal	$9,690	$3,966	$1,403	$1,390
	FY96	FY97	FY98	
Strawberry collection system				
1. Acquire angler access on about 35 miles of streams identified in the Aquatic Mitigation Plan	$0	$0	$0	
2. Construct fish habitat improvements on about 70 miles of streams as identified in the Aquatic Mitigation Plan	$453	$604	$674	
3. Rehabilitation of Strawberry Project wildlife and riparian habitats	$600	$600	$0	
Subtotal	$1,053	$1,204	$674	
	TOTAL	FY93	FY94	FY95
Duchesne canal rehabilitation				
1. Acquire and develop 782 acres along Duchesne River	$160	$160	$0	$0
Subtotal	$160	$160	$0	$0
	FY96	FY97	FY98	

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Duchesne canal rehabilitation				
1. Acquire and develop 782 acres along Duchesne River	$0	$0	$0	
Subtotal	$0	$0	$0	
Municipal and industry system				
1. Fence and develop big game on north shoreline of Jordanelle Reservoir	$226	$100	$126	$0
2. Acquire angler access to entire reach of Provo River from Jordanelle Dam to Deer Creek Reservoir	$1,050	$525	$525	$0
3. Aquire and develop 100 acres of wetland at base of Jordanelle Dam	$900	$900	$0	$0
Subtotal	$2,176	$1,525	$651	$0
Total DPR	$12,026	$5,651	$2,054	$1,390
Grand Total	$145,316	$27,266	$23,729	$25,740
	FY96	FY97	FY98	
Municipal and industry system				
1. Fence and develop big game on north shoreline of Jordanelle Reservoir	$0	$0	$0	
2. Acquire angler access to entire reach of Provo River from Jordanelle Dam to Deer Creek Reservoir	$0	$0	$0	
3. Aquire and develop 100 acres of wetland at base of Jordanelle Dam	$0	$0	$0	
Subtotal	$0	$0	$0	
Total DPR	$1,053	$1,204	$674	
Grand Total	$22,628	$24,729	$21,224	

TITLE IV—UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the State of Utah is a State in which one of the largest trans-basin water diversions occurs, dewatering important natural areas as a result of the Colorado River Storage Project;

(2) the State of Utah is one of the most ecologically significant States in the Nation, and it is therefore important to protect, mitigate, and enhance sensitive species and ecosystems through effective long term mitigation;

(3) the challenge of mitigating the environmental consequences associated with trans-basin water diversions are complex and involve many projects and measures (some of which are presently unidentifiable) and the costs for which will continue after projects of the Colorado River Storage Project in Utah are completed; and

(4) environmental mitigation associated with the development of the projects of the Colorado River Storage Project in the State of Utah are seriously in arrears.

(b) PURPOSE.—The purpose of this title is to establish an ongoing account to ensure that—

(1) the level of environmental protection, mitigation, and enhancement achieved in connection with projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah is preserved and maintained;

(2) resources are available to manage and maintain investments in fish and wildlife and recreation features of the projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah;

(3) resources are available to address known environmental impacts of the projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah for which no funds are being specifically authorized for appropriation and earmarked under this Act; and

(4) resources are available to address presently unknown environmental needs and opportunities for enhancement within the areas of the State of Utah affected by the projects identified in this Act and elsewhere in the Colorado River Storage Project.

SEC. 402. UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a Utah Reclamation Mitigation and Conservation Account (hereafter in this title referred to as the "Account"). Amounts in the Account shall be available for the purposes set forth in section 401(b).

(b) DEPOSITS INTO THE ACCOUNT.—Amounts shall be deposited into the Account as follows:

(1) STATE CONTRIBUTIONS.—In each of fiscal years 1994 through 2001, or until the fiscal year in which the project is declared substantially complete, whichever occurs first, a voluntary contribution of $3,000,000 from the State of Utah.

(2) FEDERAL CONTRIBUTIONS.—In each of fiscal years 1994 through 2001, or until the fiscal year in which the project is declared substantially complete, whichever occurs first, $5,000,000 from amounts authorized to be appropriated by section 201, which shall be treated as an expense under section 8.

(3) CONTRIBUTIONS FROM PROJECT BENEFICIARIES.—(A) In each of fiscal years 1994 through 2001, or until the fiscal year in which the project is declared substantially complete in accordance with this Act, whichever occurs first, $750,000 in non-Federal funds from the District.

(B) $5,000,000 annually by the Secretary of Energy out of funds appropriated to the Western Area Power Administration, such expenditures to be considered nonreimbursable and nonreturnable.

(C) The annual contributions described in subparagraphs (A) and (B) shall be increased proportionally on March 1 of each year by the same percentage increase during the previous calendar year in the Consumer Price Index for urban consumers, published by the Department of Labor.

(4) INTEREST AND UNEXPENDED FUNDS.—(A) Any amount authorized and earmarked for fish, wildlife, or recreation expenditures which is appropriated but not obligated or expended by the Commission upon its termination under section 301.

(B) All funds annually appropriated to the Secretary for the Commission.

(C) All interest earned on amounts in the Account.

(D) Amounts not obligated or expended after the completion of a construction project and available pursuant to section 301(j).

(c) OPERATION OF THE ACCOUNT.—(1) All funds deposited as principal in the Account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the Account until completion of the projects and features specified in the schedule in section 315. After completion of such projects and features, all interest earned on amounts remaining in or deposited to the principal of the Account shall be available to the Commission pursuant to subsection (c)(2) of this section.

(2) The Commission is authorized to administer and expend without further authorization and appropriation by Congress all sums deposited into the Account pursuant to subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B), a well as interest not deposited to the principal of the Account pursuant to paragraph (1) of this subsection. The Commission may elect to deposit funds not expended under subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B) into the Account as principal.

(3) All amounts deposited in the Account pursuant to subsections (b)(1) and (2), and any amount deposited as principal under paragraphs (c)(1) and (c)(2), shall constitute the principal of the Account. No part of the principal amount may be expended for any purpose.

(d) ADMINISTRATION BY THE UTAH DIVISION OF WILDLIFE RESOURCES.—(1) After the date on which the Commission terminates under section 301, the Utah Division of Wildlife Resources or its successor shall receive:

(A) All amounts contributed annually to the Account pursuant to section 402(b)(3)(B); and

(B) All interest on the principal of the Account, at the beginning of each year. The portion of the interest earned on the principal of the account that exceeds the amount required to increase the principal of the account proportionally on March 1 of each year by the percentage increase during the previous calendar year

in the Consumer Price Index for urban consumers published by the Department of Labor, shall be available for expenditure by the Division in accordance with this section.

(2) The funds received by the Utah Division of Wildlife Resources under paragraph (1) shall be expended in a manner that fulfills the purposes of the Account established under this Act, in consultation with and pursuant to, a conservation plan and amendments thereto to be developed by the Utah Division of Wildlife Resources, in cooperation with the United States Forest Service, the Bureau of Land Management of the Department of the Interior, and the United States Fish and Wildlife Service.

(3) The funds to be distributed from the Account shall not be applied as a substitute for funding which would otherwise be provided or available to the Utah Division of Wildlife Resources.

(e) AUDIT BY INSPECTOR GENERAL.—The financial management of the Account shall be subject to audit by the Inspector General of the Department of Interior.

TITLE V—UTE INDIAN RIGHTS SETTLEMENT

SEC. 501. FINDINGS.

(a) FINDINGS.—The Congress finds the following:

(1) The unquantified Federal reserved water rights of the Ute Indian Tribe are the subject of existing claims and prospective lawsuits involving the United States, the State, and the District and numerous other water users in the Uinta Basin. The State and the tribe negotiated, but did not implement, a compact to quantify the tribe's reserved water rights.

(2) There are other unresolved tribal claims arising out of an agreement dated September 20, 1965, where the tribe deferred development of a portion of its reserved water rights for 15,242 acres of the tribe's Group 5 Lands in order to facilitate the construction of the Bonneville Unit of the Central Utah Project. In exchange the United States undertook to develop substitute water for the benefit of the tribe.

(3) It was intended that the Central Utah Project, through construction of the Upalco and Uintah units (Initial Phase) and the Ute Indian Unit (Ultimate Phase) would provide water for growth in the Uinta Basin and for late season irrigation for both the Indian and non-Indian water users. However, construction of the Upalco and Uintah Units has not been undertaken, in part because the Bureau was unable to find adequate and economically feasible reservoir sites. The Ute Indian unit has not been authorized by Congress, and there is no present intent to proceed with Ultimate Phase Construction.

(4) Without the implementation of the plans to construct additional storage in the Uinta Basin, the water users (both Indian and non-Indian) continue to suffer water shortages and resulting economic decline.

(b) PURPOSE.—This Act and the proposed Revised Ute Indian Compact of 1990 are intended to—

(1) quantify the Tribe's reserved water rights;

(2) allow increased beneficial use of such water; and

(3) put the Tribe in the same economic position it would have enjoyed had the features contemplated by the September 20, 1965 Agreement been constructed.

SEC. 502. PROVISIONS FOR PAYMENT TO THE UTE INDIAN TRIBE.

(a) BONNEVILLE UNIT TRIBAL CREDITS.—(1) Commencing one year from the date of enactment of this Act, and continuing for 50 years, the tribe shall receive from the United States 26 percent of the annual Bonneville Unit municipal and industrial capital repayment obligation attributable to 35,500 acre-feet of water, which represents a portion of the tribe's water rights that were to be supplied by storage from the Central Utah Project, but will not be supplied because the Upalco and Uintah units are not to be constructed.

(2)(A) Commencing in the year 2042, the tribe shall collect from the District 7 percent of the then fair market value of 35,500 acre-feet of Bonneville Unit agricultural water which has been converted to municipal and industrial water. The fair market value of such water shall be recalculated every five years.

(B) In the event 35,500 acre-feet of Bonneville Unit converted agricultural water to municipal and industrial have not yet been marketed as of the year 2042, the tribe shall receive 7 percent of the fair market value of the first 35,500 acre-feet of such water converted to municipal and industrial water. The monies received by the tribe under this title shall be utilized by the tribe for governmental purposes, shall not be distributed per capita, and shall be used to enhance the educational, social, and economic opportunities for the tribe.

(b) BONNEVILLE UNIT TRIBAL WATERS.—The Secretary is authorized to make any unused capacity in the Bonneville Unit Strawberry Aqueduct and Collection System diversion facilities available for use by the tribe. Unused capacity shall constitute capacity, only as available, in excess of the needs of the District for delivery of Bonneville Unit water and for satisfaction of minimum streamflow obligations established by this Act. In the event that the tribe elects to place water in these components of the Bonneville Unit system, the Secretary and District shall only impose an operation and maintenance charge. Such charge shall commence at the time of the tribe's use of such facilities. The operation and maintenance charge shall be prorated on a per acre-foot basis, but shall only include the operation and maintenance costs of facilities used by the tribe and shall only apply when the tribe elects to use the facilities. As provided in the Ute Indian Compact, transfers of certain Indian reserved rights water to different lands or different uses will be made in accordance with the laws of the State of Utah governing change or exchange applications.

(c) ELECTION TO RETURN TRIBAL WATERS.—Notwithstanding the authorization provided for in subparagraph (b), the tribe may at any time elect to return all or a portion of the water which it delivered under subparagraph (b) for use in the Uinta Basin. Any such Uinta Basin use shall protect the rights of non-Indian water users existing at the time of the election. Upon such election, the tribe will relinquish any and all rights which it may have acquired to transport such water through the Bonneville Unit facilities.

SEC. 503. TRIBAL USE OF WATER.

(a) RATIFICATION OF REVISED UTE INDIAN COMPACT.—The Revised Ute Indian Compact of 1990, dated October 1, 1990, reserving waters to the Ute Indian Tribe and establishing the uses and management of such Tribal waters, is hereby ratified and approved, subject to re-ratification by the State and the tribe. The Secretary is authorized to take all actions necessary to implement the Compact.

(b) THE INDIAN INTERCOURSE ACT.—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water rights confirmed in the Compact. Nothing in this subsection shall be considered to amend, construe, supersede or preempt any State law, Federal law, interstate compact or international treaty that pertains to the Colorado River or its tributaries, including the appropriation, use, development and storage, regulation, allocation, conservation, exportation or quality of those waters.

(c) RESTRICTION ON DISPOSAL OF WATERS INTO THE LOWER COLORADO RIVER BASIN.—None of the waters secured to the tribe in the Revised Ute Indian Compact of 1990 may be sold, exchanged, leased, used, or otherwise disposed of into or in the Lower Colorado River Basin, below Lees Ferry, unless water rights within the Upper Colorado River Basin in the State of Utah held by non-Federal, non-Indian users could be so sold, exchanged, leased, used, or otherwise disposed of under Utah State law, Federal law, interstate compacts, or international treaty pursuant to a final, non-appealable order of a Federal court or pursuant to an agreement of the seven States signatory to the Colorado River Compact: Provided, however, That in no event shall such transfer of Indian water rights take place without the filing and approval of the appropriate applications with the Utah State Engineer pursuant to Utah State law.

(d) USE OF WATER RIGHTS.—The use of the rights referred to in subsection (a) within the State of Utah shall be governed solely as provided in this section and the Revised Compact referred to in section 503(a). The tribe may voluntarily elect to sell, exchange, lease, use, or otherwise dispose of any portion of a water right confirmed in the Revised Compact off the Uintah and Ouray Indian Reservation. If the tribe so elects, and as a condition precedent to such sale, exchange, lease, use, or other disposition, that portion of the tribe's water right shall be changed to a State water right, but shall be such a State water right only during the use of that right off the reservation, and shall be fully subject to State laws, Federal laws, interstate compacts, and international treaties applicable to the Colorado River and its tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those waters.

(e) RULES OF CONSTRUCTION.—Nothing in titles II through VI of this Act or in the Revised Ute Indian Compact of 1990 shall—

(1) constitute authority for the sale, exchange, lease, use, or other disposal of any Federal reserved water right off the reservation;

(2) constitute authority for the sale, exchange, lease, use, or other disposal of any tribal water right outside the State of Utah; or

(3) be deemed a Congressional determination that any holders of water rights do or do not have authority under existing law to sell, exchange, lease, use, or otherwise dispose of such water or water rights outside the State of Utah.

SEC. 504. TRIBAL FARMING OPERATIONS.

Of the amounts authorized to be appropriated by section 501, $45,000,000 is authorized for the Secretary to permit the tribe to develop over a three-year period—

(1) a 7,500-acre farming/feed lot operation equipped with satisfactory off-farm and on-farm water facilities out of tribally-owned lands and adjoining non-Indian lands now served by the Uintah Indian Irrigation Project;

(2) a plan to reduce the tribe's expense on the remaining sixteen thousand acres of tribal land now served by the Uintah Indian Irrigation Project; and

(3) a fund to permit tribal members to upgrade their individual farming operations.

Any non-Indian lands acquired under this section shall be acquired from willing sellers and shall not be added to the reservation of the Tribe.

SEC. 505. RESERVOIR, STREAM, HABITAT AND ROAD IMPROVEMENTS WITH RESPECT TO THE UTE INDIAN RESERVATION.

(a) REPAIR OF CEDARVIEW RESERVOIR.—Of the amount authorized to be appropriated by section 201, $5,000,000 shall be available to the Secretary, in cooperation with the tribe, to repair the leak in Cedarview Reservoir in Dark Canyon, Duchesne County, Utah, so that the result-

ant surface area of the reservoir is two hundred and ten acres.

(b) RESERVATION STREAM IMPROVEMENTS.—Of the amount authorized to be appropriated by section 201, $10,000,000 shall be available for the Secretary, in cooperation with the tribe and in consultation with the Commission, to undertake stream improvements to not less than 53 linear miles (not counting meanders) for the Pole Creek, Rock Creek, Yellowstone River, Lake Fork River, Uinta River, and Whiterocks River, in the State of Utah. Nothing in this authorization shall increase the obligation of the District to deliver more than 44,400 acre-feet of Central Utah Project water as its contribution to the preservation of minimum stream flows in the Uinta Basin.

(c) BOTTLE HOLLOW RESERVOIR.—Of the amount authorized to be appropriated by section 201, $500,000 in an initial appropriation shall be available to permit the Secretary to clean the Bottle Hollow Reservoir on the Ute Indian Reservation of debris and trash resulting from a submerged sanitary landfill, to remove all non-game fish, and to secure minimum flow of water to the reservoir to make it a suitable habitat for a cold water fishery. The United States, and not the tribe, shall be responsible for cleanup and all other responsibilities relating to the presently contaminated Bottle Hollow waters.

(d) MINIMUM STREAM FLOWS.—As a minimum, the Secretary shall endeavor to maintain continuous releases into Rock Creek to maintain 29 cubic feet per second during May through October and continuous releases into Rock Creek of 23 cubic feet per second during November through April, at the reservation boundary. Nothing in this authorization shall increase the obligation of the District to deliver more than 44,400 acre-feet of Central Utah Project water as its contribution to the preservation of minimum stream flow in the Uinta Basin.

(e) LAND TRANSFER.—The Bureau shall transfer 315 acres of land to the Forest Service, located at the proposed site of the Lower Stillwater Reservoir as a wildlife mitigation measure.

(f) RECREATION ENHANCEMENT.—Of the amount authorized to be appropriated by section 201, $10,000,000 shall be available for the Secretary, in cooperation with the tribe, to permit the tribe to develop, after consultation with the appropriate fish, wildlife, and recreation agencies, big game hunting, fisheries, campgrounds and fish and wildlife management facilities, including administration buildings and grounds on the Uintah and Ouray Reservation, in lieu of the construction of the Lower Stillwater Dam and related facilities.

(g) MUNICIPAL WATER CONVEYANCE SYSTEM.—Of the amounts authorized to be appropriated in section 201, $3,000,000 shall be available to the Secretary for participation by the tribe in the construction of pipelines associated with the Duchesne County Municipal Water Conveyance System.

SEC. 506. TRIBAL DEVELOPMENT FUNDS.

(a) ESTABLISHMENT.—Of the amount authorized to be appropriated by section 201, there is hereby established to be appropriated a total amount of $125,000,000 to be paid in three annual and equal installments to the Tribal Development Fund which the Secretary is authorized and directed to establish for the tribe.

(b) ADJUSTMENT.—To the extent that any portion of such amount is contributed after the period described above or in amounts less than described above, the tribe shall, subject to appropriation Acts, receive, in addition to the full contribution to the Tribal Development Fund, an adjustment representing the interest income as determined by the Secretary, in his sole discretion, that would have been earned on any unpaid amount.

(c) TRIBAL DEVELOPMENT.—The tribe shall prepare a Tribal Development Plan for all or a part of this Tribal Development Fund. Such Tribal Development Plan shall set forth from time to time economic projects proposed by the tribe which in the opinion of two independent financial consultants are deemed to be reasonable, prudent and likely to return a reasonable investment to the tribe. The financial consultants shall be selected by the tribe with the advice and consent of the Secretary. Principal from the Tribal Development Fund shall be permitted to be expended only in those cases where the Tribal Development Plan can demonstrate with specificity a compelling need to utilize principal in addition to income for the Tribal Development Plan.

(d) No funds from the Tribal Development Fund shall be obligated or expended by the Secretary for any economic project to be developed or constructed pursuant to subsection (c) of this section, unless the Secretary has complied fully with the requirements of applicable fish, wildlife, recreation, and environmental laws, including the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.).

SEC. 507. WAIVER OF CLAIMS.

(a) GENERAL AUTHORITY.—The tribe is authorized to waive and release claims concerning or related to water rights as described below.

(b) DESCRIPTION OF CLAIMS.—The tribe shall waive, upon receipt of the section 504, 505, and 506 moneys, any and all claims relating to its water rights covered under the agreement of September 20, 1965, including claims by the tribe that it retains the right to develop lands as set forth in the Ute Indian Compact and deferred in such agreement. Nothing in this waiver of claims shall prevent the tribe from enforcing rights granted to it under this Act or under the Compact. To the extent necessary to effect a complete release of the claims, the United States concurs in such release.

(c) RESURRECTION OF CLAIMS.—In the event the tribe does not receive on a timely basis the moneys described in section 502, the Tribe is authorized to bring an action for an accounting against the United States, if applicable, in the United States Claims Court for moneys owed plus interest at 10 percent, and against the District, if applicable, in the United States District Court for the District of Utah for moneys owed plus interest at 10 percent. The United States and the District waive any defense based upon sovereign immunity in such proceedings.

TITLE VI—ENDANGERED SPECIES ACT AND NATIONAL ENVIRONMENTAL POLICY ACT

Notwithstanding any provision of titles II through V of this Act, nothing in such titles shall be interpreted as modifying or amending the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE VII—LEADVILLE MINE DRAINAGE TUNNEL, COLORADO

SEC. 701. AUTHORIZATION.

The Secretary is authorized to construct, operate, and maintain a water treatment plant, including the disposal of sludge produced by said treatment plant as appropriate, and to install concrete lining on the rehabilitated portion of the Leadville Mine Drainage Tunnel, in order that water flowing from the Leadville Tunnel may meet water quality standards, and to contract with the Colorado Division of Wildlife to monitor concentrations of heavy metal contaminants in water, stream sediment, and aquatic life in the Arkansas River downstream of the water treatment plant.

SEC. 702. COSTS NONREIMBURSABLE.

Construction, operation, and maintenance costs of the works authorized by this title shall be nonreimbursable.

SEC. 703. OPERATION AND MAINTENANCE.

The Secretary shall be responsible for operation and maintenance of the water treatment plant, including sludge disposal authorized by this title. The Secretary may contract for these services.

SEC. 704. APPROPRIATIONS AUTHORIZED.

There is hereby authorized to be appropriated beginning October 1, 1989, for construction of a water treatment plant for water flowing from the Leadville Mine Drainage Tunnel, including sludge disposal, and concrete lining the rehabilitated portion of the tunnel, the sum of $10,700,000 (October 1988 price levels), plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein and, in addition thereto, such sums as may be required for operation and maintenance of the works authorized by this title, including but not limited to $1,250,000 which shall be for a program to be conducted by the Colorado Division of Wildlife to monitor heavy metal concentrations in water, stream sediment, and aquatic life in the Arkansas River.

SEC. 705. LIMITATION.

The treatment plant authorized by this title shall be designed and constructed to treat the quantity and quality of effluent historically discharged from the Leadville Mine Drainage Tunnel.

SEC. 706. DESIGN AND OPERATION NOTIFICATION.

Prior to the initiation of construction and during construction of the works authorized by section 701, the Secretary shall submit the plans for design and operation of the works to the Administrator of the Environmental Protection Agency and the State of Colorado to obtain their views on the design and operation plans. After such review and consultation, the Secretary shall notify the President Pro Tempore of the Senate and the Speaker of the House of Representatives that the discharge from the works to be constructed will meet the requirements set forth in Federal Facilities Compliance Agreement No. FFCA 89–1, entered into by the Bureau of Reclamation and the Environmental Protection Agency on February 7, 1989, and in National Pollutant Discharge Elimination System permit No. CO 0021717 issued to the Bureau of Reclamation in 1975 and reissued in 1979 and 1981.

SEC. 707. FISH AND WILDLIFE RESTORATION.

(a) The Secretary is authorized, in consultation with the State of Colorado, to formulate and implement, subject to the terms of subsection (b) of this section, a program for the restoration of fish and wildlife resources of those portions of the Arkansas River basin impacted by the effluent discharged from the Leadville Mine Drainage Tunnel. The formulation of the program shall be undertaken with appropriate public consultation.

(b) Prior to implementing the fish and wildlife restoration program, the Secretary shall submit a copy of the proposed restoration program to the President Pro Tempore of the Senate and the Speaker of the House of Representatives for a period of not less than 60 days.

SEC. 708. WATER QUALITY RESTORATION.

(a) The Secretary is authorized, in consultation with the State of Colorado, the Administrator of the Environmental Protection Agency, and other Federal entities, to conduct investigations of water pollution sources and impacts attributed to mining-related and other develop-

ment in the Upper Arkansas River basin, to develop corrective action plans, and to implement corrective action demonstration projects. Neither the Secretary nor any person participating in a corrective action demonstration project shall be liable under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act for costs or damages as a result of actions taken or omitted in the course of implementing an approved work plan developed under this section: Provided, That this subsection shall not preclude liability for costs or damages which result from negligence on the part of such persons. The Secretary shall have no authority under this section at facilities which have been listed or proposed for listing on the National Priorities List, or are subject to or covered by the Resource Conservation and Recovery Act. For the purpose of this section, the term "Upper Arkansas River basin" means the Arkansas River hydrologic basin in Colorado extending from Pueblo Dam upstream to its headwaters.

(b) The development of all corrective action plans and subsequent corrective action demonstration projects shall be undertaken with appropriate public involvement pursuant to a public participation plan, consistent with regulations promulgated under the Federal Water Pollution Control Act, developed by the Secretary in consultation with the State of Colorado and the Administrator of the Environmental Protection Agency.

(c) The Secretary shall arrange for cost sharing with the State of Colorado and for the use of non-Federal funds and in-kind services where possible. The Secretary is authorized to fund all State costs required to conduct investigations and develop corrective action plans. The Federal share of costs associated with corrective action plans shall not exceed 60 percent.

(d) Prior to implementing any corrective action demonstration project, the Secretary shall submit a copy of the proposed project plans to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

(e) Nothing in this title shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to the discharge or release of hazardous substances, pollutants, or contaminants, as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act.

(f) There is authorized to be appropriated such sums as may be required to fulfill the provisions of sections 707 and 708 of this title.

TITLE VIII—LAKE MEREDITH SALINITY CONTROL PROJECT, TEXAS AND NEW MEXICO

SEC. 801. AUTHORIZATION.

The Secretary is authorized to construct and test the Lake Meredith Salinity Control Project, New Mexico and Texas, in accordance with the Federal Reclamation laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) and the provisions of this title and the plan set out in the June 1985 Technical Report of the Bureau of Reclamation on this project with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purpose of improving the quality of water delivered to the Canadian River downstream of Ute Reservoir, New Mexico, and entering Lake Meredith, Texas. The principal features of the project shall consist of production wells, observation wells, pipelines, pumping plants, brine disposal facilities, and other appurtenant facilities.

SEC. 802. CONSTRUCTION CONTRACT.

(a) The Secretary is authorized to enter into a contract with the Canadian River Municipal Water Authority of Texas (hereafter in this title the "Authority") for the design and construction management of project facilities by the Bureau of Reclamation and for the payment of construction costs by the authority. Operation and maintenance of project facilities upon completion of construction and testing shall be the responsibility of the Authority.

(b) Construction of the project shall not be commenced until a contract has been executed by the Secretary with the Authority, and the State of New Mexico has granted the necessary permits for the project facilities.

SEC. 803. PROJECT COSTS.

(a) All costs of construction of project facilities shall be advanced by the Authority as the non-Federal contribution toward implementation of this title. Pursuant to the terms of the contract authorized by section 802 of this title, these funds shall be advanced on a schedule mutually acceptable to the Authority and the Secretary, as necessary to meet the expense of carrying out construction and land acquisition activities.

(b) All project costs for verification, design preparation, and construction management (estimated to be approximately 33 percent of the total project cost) shall be nonreimbursable as the Federal contribution for environmental enhancement by water quality improvement.

SEC. 804. CONSTRUCTION AND CONTROL.

(a) The Secretary shall, upon entering into a mutually acceptable agreement with the Authority, proceed with preconstruction planning, preparation of designs and specifications, acquiring permits, acquisition of land and rights, and award of construction contracts pending availability of appropriated funds.

(b) At any time following the first advance of funds by the Authority, the Authority may request that the Secretary terminate activities then in progress, and such request shall be binding upon the Secretary, except that, upon termination of construction pursuant to this section, the Authority shall reimburse to the Secretary a sum equal to 67 percent of all costs incurred by the Secretary in project verification, design and construction management, reduced by any sums previously paid by the Authority to the Secretary for such purposes. Upon such termination, the United States is under no obligation to complete the project as a nonreimbursable development.

(c) Upon completion of construction and testing of the project, or upon termination of activities at the request of the Authority, and reimbursement of Federal costs pursuant to subsection 804(b) of this title, the Secretary shall transfer the care, operation, and maintenance of the project works to the Authority or to a bona fide entity mutually agreeable to the States of New Mexico and Texas. As part of such transfer, the Secretary shall return unexpended balances of the funds advanced, assign to the Authority or the bona fide entity the rights to any contract in force, convey to the Authority or the bona fide entity any real estate, easements, or personal property acquired by the advanced funds, and provide any data, drawings, or other items of value procured with advanced funds. Title to any facilities constructed under the authority of this title shall remain with the United States.

SEC. 805. APPROPRIATIONS AUTHORIZED.

There are hereby authorized to be appropriated to carry out the provisions of this title the sum of $3,000,000 (October 1989 price levels), plus or minus such amounts, if any, as may be required by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

TITLE IX—CEDAR BLUFF UNIT, KANSAS

SEC. 901. AUTHORIZATION.

The Secretary, pursuant to the provisions of the Memorandum of Understanding between the Bureau of Reclamation and the Fish and Wildlife Service of the Department of the Interior, the State of Kansas, and the Cedar Bluff Irrigation District No. 6, dated December 17, 1987, is authorized to reformulate the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, including reallocation of the conservation capacity of the Cedar Bluff Reservoir, to create—

(a) a designated operating pool, as defined in such Memorandum of Understanding, for fish, wildlife, and recreation purposes, for groundwater recharge for environmental, domestic, municipal and industrial uses, and for other purposes; and

(b) a joint-use pool, as defined in such Memorandum of Understanding, for flood control, water sales, fish, wildlife, and recreation purposes; and for other purposes.

SEC. 902. CONTRACT.

The Secretary is authorized to enter into a contract with the State of Kansas for the sale, use, and control of the designated operating pool, with the exception of water reserved for the city of Russell, Kansas, and to allow the State of Kansas to acquire use and control of water in the joint-use pool, except that, the State of Kansas shall not permit utilization of water from Cedar Bluff Reservoir to irrigate lands in the Smoky Hill River Basin from Cedar Bluff Reservoir to its confluence with Big Creek.

SEC. 903. CONTRACT.

(a) The Secretary is authorized to enter into a contract with the State of Kansas, accepting a payment of $365,424, and the State's commitment to pay a proportionate share of the annual operation, maintenance, and replacement charges for the Cedar Bluff Dam and Reservoir, as full satisfaction of reimbursable costs associated with irrigation of the Cedar Bluff Unit, including the Cedar Bluff Irrigation District's obligations under Contract No. 0-07-70-W0064. After the reformulation of the Cedar Bluff Unit authorized by this title, any revenues in excess of operating and maintenance expenses received by the State of Kansas from the sale of water from the Cedar Bluff Unit shall be paid to the United States and covered into the Reclamation Fund to the extent that an operation, maintenance and replacement charge or reimbursable capital obligation exists for the Cedar Bluff Unit under Reclamation law. Once all such operation, maintenance and replacement charges or reimbursable obligations are satisfied, any additional revenues shall be retained by the State of Kansas.

(b) The Secretary is authorized to transfer title of the buildings, fixtures, and equipment of the United States Fish and Wildlife Service fish hatchery facility at Cedar Bluff Dam, and the related water rights, to the State of Kansas for its use and operation of fish, wildlife, and related purposes. If any of the property transferred by this subsection to the State of Kansas is subsequently transferred from State ownership or used for any purpose other than those provided for in this subsection, title to such property shall revert to the United States.

SEC. 904. TRANSFER OF DISTRICT HEADQUARTERS.

The Secretary is authorized to transfer title to all interests in real property, buildings, fixtures, equipment, and tools associated with the Cedar Bluff Irrigation District headquarters located near Hays, Kansas, contingent upon the District's agreement to close down the irrigation system to the satisfaction of the Secretary at no additional cost to the United States, after which all easement rights shall revert to the owners of the lands to which the easements are attached.

SEC. 905. LIABILITY AND INDEMNIFICATION.

The transferee of any interest conveyed pursuant to this title shall assume all liability with respect to such interests and shall indemnify the United States against all such liability.

SEC. 906. ADDITIONAL ACTIONS.

The Secretary is authorized to take all other actions consistent with the provisions of the Memorandum of Understanding referred to in section 901 that the Secretary deems necessary to accomplish the reformulation of the Cedar Bluff Unit.

TITLE X—SALT-GILA AQUEDUCT, ARIZONA

SEC. 1001. DESIGNATION.

The Salt-Gila Aqueduct of the Central Arizona Project, constructed, operated, and maintained under section 301(a)(7) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(7)), hereafter shall be known and designated as the "Fannin-McFarland Aqueduct".

SEC. 1002. REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in section 1001 hereby is deemed to be a reference to the "Fannin-McFarland Aqueduct".

TITLE XI—VERMEJO PROJECT RELIEF, NEW MEXICO

Section 401 of the Act of December 19, 1980, (94 Stat. 3227) is amended by striking the text that begins: "Transfer of project facilities to the district shall be without . . ." and ends with ". . . shall be maintained consistently with existing arrangements" and inserting in lieu thereof "Effective as of the date of the written consent of the Vermejo Conservancy District to amend Contract 178r–458, all facilities are hereby transferred to the district. The transfer to the district of project facilities shall be without any additional consideration in excess of the existing repayment contract of the district and shall include all related lands or interest in lands acquired by the Federal Government for the project, but shall not include any lands or interests in land, or interests in water, purchased by the Federal Government from various landowners in the district, consisting of approximately 2,800 acres, for the Maxwell Wildlife Refuge and shall not include certain contractual arrangements, namely Contract No. 14–06–500–1713 between the Bureau of Reclamation and the Bureau of Sport Fisheries and Wildlife, and concurred in by the district, dated December 5, 1969, and the lease agreement between the district and the Secretary dated January 17, 1990, and expiring January 17, 1992, for 468.38 acres under the district's Lakes 12 and 14, which contractual arrangements shall be maintained consistent with the terms thereof. The Secretary, acting through the United States Fish and Wildlife Service, shall retain the right to manage Lake 13 for the conservation, maintenance, and development of the area as a component of the Maxwell National Wildlife Refuge in accordance with Contract No. 14–06–500–1713 and in a manner that does not interfere with operation of the Lake 13 dam and reservoir for the primary purposes of the Vermejo Reclamation Project.".

TITLE XII—GRAND CANYON PROTECTION

SEC. 1201. SHORT TITLE.

This Act may be cited as the "Grand Canyon Protection Act of 1992".

SEC. 1202. PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—The Secretary shall operate Glen Canyon Dam in accordance with the additional criteria and operating plans specified in section 1204 and exercise other authorities under existing law in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to natural and cultural resources and visitor use.

(b) COMPLIANCE WITH EXISTING LAW.—The Secretary shall implement this section in a manner fully consistent with and subject to the Colorado River Compact, the Upper Colorado River Basin Compact, the Water Treaty of 1944 with Mexico, the decree of the Supreme Court in Arizona v. California, and the provisions of the Colorado River Storage Project Act of 1956 and the Colorado River Basin Project Act of 1968 that govern allocation, appropriation, development, and exportation of the waters of the Colorado River basin.

(c) RULE OF CONSTRUCTION.—Nothing in this title alters the purposes for which the Grand Canyon National Park or the Glen Canyon National Recreation Area were established or affects the authority and responsibility of the Secretary with respect to the management and administration of the Grand Canyon National Park and Glen Canyon National Recreation Area, including natural and cultural resources and visitor use, under laws applicable to those areas, including, but not limited to, the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 1203. INTERIM PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) INTERIM OPERATIONS.—Pending compliance by the Secretary with section 1204, the Secretary shall, on an interim basis, continue to operate Glen Canyon Dam under the Secretary's announced interim operating criteria and the Interagency Agreement between the Bureau of Reclamation and the Western Area Power Administration executed October 2, 1991, and exercise other authorities under existing law, in accordance with the standards set forth in section 1202, utilizing the best and most recent scientific data available.

(b) CONSULTATION.—The Secretary shall continue to implement Interim Operations in consultation with—

(1) appropriate agencies of the Department of the Interior, including the Bureau of Reclamation, United States Fish and Wildlife Service, and the National Park Service;

(2) the Secretary of Energy;

(3) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(4) Indian Tribes; and

(5) the general public, including representatives of the academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

(c) DEVIATION FROM INTERIM OPERATIONS.—The Secretary may deviate from interim operations upon a finding that deviation is necessary and in the public interest to—

(1) comply with the requirements of section 1204(a);

(2) respond to hydrologic extremes or power system operation emergencies;

(3) comply with the standards set forth in section 1202;

(4) respond to advances in scientific data; or

(5) comply with the terms of the Interagency Agreement.

(d) TERMINATION OF INTERIM OPERATIONS.—Interim operations described in this section shall terminate upon compliance by the Secretary with section 1204.

SEC. 1204. GLEN CANYON DAM ENVIRONMENTAL IMPACT STATEMENT; LONG-TERM OPERATION OF GLEN CANYON DAM.

(a) FINAL ENVIRONMENTAL IMPACT STATEMENT.—Not later than two years after the date of enactment of this Act, the Secretary shall complete a final Glen Canyon Dam environmental impact statement, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) AUDIT.—The Comptroller General shall—

(1) audit the costs and benefits to water and power users and to natural, recreational, and cultural resources resulting from management policies and dam operations identified pursuant to the environmental impact statement described in subsection (a); and

(2) report the results of the audit to the Secretary and the Congress.

(c) ADOPTION OF CRITERIA AND PLANS.—(1) Based on the findings, conclusions, and recommendations made in the environmental impact statement prepared pursuant to subsection (a) and the audit performed pursuant to subsection (b), the Secretary shall—

(A) adopt criteria and operating plans separate from and in addition to those specified in section 602(b) of the Colorado River Basin Project Act of 1968; and

(B) exercise other authorities under existing law, so as to ensure that Glen Canyon Dam is operated in a manner consistent with section 1202.

(2) Each year after the date of the adoption of criteria and operating plans pursuant to paragraph (1), the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report, separate from and in addition to the report specified in section 602(b) of the Colorado River Basin Project Act of 1968 on the preceding year and the projected year operations undertaken pursuant to this Act.

(3) In preparing the criteria and operating plans described in section 602(b) of the Colorado River Basin Project Act of 1968 and in this subsection, the Secretary shall consult with the Governors of the Colorado River Basin States and with the general public, including—

(A) representatives of academic and scientific communities;

(B) environmental organizations;

(C) the recreation industry; and

(D) contractors for the purchase of Federal power produced at Glen Canyon Dam.

(d) REPORT TO CONGRESS.—Upon implementation of long-term operations under subsection (c), the Secretary shall submit to the Congress the environmental impact statement described in subsection (a) and a report describing the long-term operations and other reasonable mitigation measures taken to protect, mitigate adverse impacts to, and improve the condition of the natural, recreational, and cultural resources of the Colorado River downstream of Glen Canyon Dam.

(e) ALLOCATION OF COSTS.—The Secretary of the Interior, in consultation with the Secretary of Energy, is directed to reallocate the costs of construction, operation, maintenance, replacement and emergency expenditures for Glen Canyon Dam among the purposes directed in section 1202 of this Act and the purposes established in the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 170). Costs allocated to section 1202 purposes shall be nonreimbursable.

SEC. 1205. LONG-TERM MONITORING.

(a) IN GENERAL.—The Secretary shall establish and implement long-term monitoring programs and activities that will ensure that Glen Canyon Dam is operated in a manner consistent with that of section 1202.

(b) RESEARCH.—Long-term monitoring of Glen Canyon Dam shall include any necessary research and studies to determine the effect of the Secretary's actions under section 1204(c) on the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area.

(c) CONSULTATION.—The monitoring programs and activities conducted under subsection (a) shall be established and implemented in consultation with—

(1) the Secretary of Energy;

(2) the Governors of the States of Arizona, California, Nevada, New Mexico, Utah, and Wyoming;

(3) Indian tribes; and

(4) the general public, including representatives of academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

SEC. 1206. RULES OF CONSTRUCTION.

Nothing in this title is intended to affect in any way—

(1) the allocations of water secured to the Colorado Basin States by any compact, law, or decree; or

(2) any Federal environmental law, including the Endangered Species Act (16 U.S.C. 1531 et seq.).

SEC. 1207. STUDIES NONREIMBURSABLE.

All costs of preparing the environmental impact statement described in section 1204, including supporting studies, and the long-term monitoring programs and activities described in section 1205 shall be nonreimbursable. The Secretary is authorized to use funds received from the sale of electric power and energy from the Colorado River Storage Project to prepare the environmental impact statement described in section 1204, including supporting studies, and the long-term monitoring programs and activities described in section 1205, except that such funds will be treated as having been repaid and returned to the general fund of the Treasury as costs assigned to power for repayment under section 5 of the Act of April 11, 1956 (70 Stat. 170).

SEC. 1208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 1209. REPLACEMENT POWER.

The Secretary of Energy in consultation with the Secretary of the Interior and with representatives of the Colorado River Storage Project power customers, environmental organizations and the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall identify economically and technically feasible methods of replacing any power generation that is lost through adoption of long-term operational criteria for Glen Canyon Dam as required by section 1204 of this title. The Secretary shall present a report of the findings, and implementing draft legislation, if necessary, not later than 2 years after adoption of long-term operating criteria. The Secretary shall include an investigation of the feasibility of adjusting operations at Hoover Dam to replace all or part of such lost generation. The Secretary shall include an investigation of the modifications or additions to the transmission system that may be required to acquire and deliver replacement power.

TITLE XIII—LAKE ANDES-WAGNER/MARTY II, SOUTH DAKOTA

SEC. 1301. SHORT TITLE.

This title may be cited as the "Lake Andes-Wagner/Marty II Act of 1992".

SEC. 1302. DEMONSTRATION PROGRAM.

(a) The Secretary, acting pursuant to existing authority under the Federal reclamation laws, shall, through the Bureau of Reclamation, and with the assistance and cooperation of an oversight committee consisting of representatives of the Bureau of Indian Affairs, Environmental Protection Agency, United States Fish and Wildlife Service, United States Geological Survey, South Dakota Department of Game, Fish and Parks, South Dakota Department of Water and Natural Resources, Yankton-Sioux Tribe, and the Lake Andes-Wagner Water Systems, Inc., carry out a demonstration program (hereinafter in this title the "Demonstration Program") in substantial accordance with the "Lake Andes-Wagner-Marty II Demonstration Program Plan of Study", dated May 1990, a copy of which is on file with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(b) The objectives of the Demonstration Program shall include—

(1) development of accurate and definitive means of quantifying projected irrigation and drainage requirements and providing reliable estimates of drainage return flow quality and quantity with respect to glacial till and other soils found in the specific areas to be served with irrigation water by the planned Lake Andes-Wagner Unit and Marty II Unit and which may also have application to the irrigation and drainage of similar soils found in other areas of the United States;

(2) development of best management practices for the purpose of improving the efficiency of irrigation water use and developing and demonstrating management techniques and technologies for glacial till soils which will prevent or otherwise ameliorate the degradation of water quality by irrigation practices;

(3) investigation and demonstration of the potential for development and enhancement of wetlands and fish and wildlife within and adjacent to the service areas of the planned Lake Andes-Wagner Unit and the Marty II Unit through the application of water and other management practices;

(4) investigation and demonstration of the suitability of glacial till soils for crop production under irrigation, giving preference to crops that are not eligible for assistance under programs covered by title V of the Agriculture Act of 1949 (7 U.S.C. 1461 et seq.) or by any successor programs established for crop years subsequent to 1990.

(c) Study sites shall be obtained through leases from landowners who voluntarily agree to participate in the Demonstration Program under the following conditions:

(1) Rentals paid under a lease shall be based on the fair rental market value prevailing for dry land farming of lands of similar quantity and quality plus a payment representing reasonable compensation for inconveniences to be encountered by the lessor.

(2) The Secretary shall—

(A) supply all water, delivery system, pivot systems and drains;

(B) operate and maintain the irrigation system;

(C) supply all seed, fertilizers and pesticides and make standardized equipment available;

(D) determine crop rotations and cultural practices; and

(E) have unrestricted access to leased lands.

(3) The Secretary may contract with the lessor and/or custom operators to accomplish agricultural work, which work shall be performed as prescribed by the Secretary.

(4) No grazing may be performed on a study site;

(5) Crops grown shall be the property of the United States.

(6) At the conclusion of the lease, the lands involved will, to the extent practicable, be restored by the Secretary to their pre-leased condition at no expense to the lessor.

(d) The Secretary shall offer crops grown under the Demonstration Program for sale to the highest bidder under terms and conditions to be prescribed by the Secretary. Any crops not sold shall be disposed of as the Secretary determines to be appropriate, except that no crop may be given away to any for-profit entity or farm operator. All receipts from crop sales shall be covered into the Treasury to the credit of the fund from which appropriations for the conduct of the Demonstration Program are derived.

(e) The land from each ownership in a study site shall be established by the Secretary as a separate farm. Each such study site farm will, during the demonstration phase of the Demonstration Program, annually receive planted and considered planting credit equal to the crop acreage base established for the farm by use of crop land ratios when it became a separate farm without regard to the acreage actually planted on the farm. Establishment of such study site farms shall not entitle the Secretary to participate in farm programs or to build program base.

(f) The Secretary shall periodically, but not less often than once a year, report to the Committee on Energy and Natural Resources of the Senate, to the Committee on Interior and Insular Affairs of the House of Representatives, and to the Governor of South Dakota concerning the activities undertaken pursuant to this section. The Secretary's reports and other information and data developed pursuant to this section shall be available to the public without charge. Each Demonstration Program report, including the report referred to in paragraph (3) of this subsection, shall evaluate data covering the results of the Demonstration Program as carried out on the six study sites during the period covered by the report together with data developed under the wetlands enhancement aspect during that period. The demonstration phase of the Demonstration Program shall terminate at the conclusion of the fifth full irrigation season. Promptly thereafter, the Secretary shall—

(1) remove temporary facilities and equipment and restore the study sites as nearly as practicable to their prelease condition. The Secretary may transfer the pumping plant and/or distribution lines to public agencies for uses other than commercial irrigation if so doing would be less costly than removing such equipment;

(2) otherwise wind up the Demonstration Program; and

(3) prepare a concluding report and recommendations covering the entire demonstration phase, which report shall be transmitted by the Secretary to the Congress and to the Governor of South Dakota not later than April 1 of the calendar year following the calendar year in which the demonstration phase of the Demonstration Program terminates. The Secretary's concluding report, together with other information and data developed in the course of the Demonstration Program, shall be available to the public without charge.

(g) Costs of the Demonstration Program funded by Congressional appropriations shall be accounted for pursuant to the Act of October 29, 1971 (85 Stat. 416). Costs incurred by the State of South Dakota and any agencies thereof arising out of consultation and participation in the Demonstration Program shall not be reimbursed by the United States.

(h) Funding to cover expenses of the Federal agencies participating in the Demonstration Program shall be included in the budget submittals for the Bureau of Reclamation. The Secretary, using only funds appropriate for the Demonstration Program, shall transfer to the other Federal agencies funds appropriate for their expenses.

SEC. 1303. PLANNING REPORTS-ENVIRONMENTAL IMPACT STATEMENTS.

(a) On the basis of the concluding report and recommendations of the Demonstration Program provided for in section 1302, the Secretary, with respect to the Lake Andes-Wagner Unit and the Marty II Unit, shall comply with the study and reporting requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued to implement the provisions thereof. Using feasibility methodologies consistent with those employed in the Lake Andes-Wagner Unit Planning Report—Final Environmental Impact Statement, filed Septem-

ber 17, 1985, the final reports prepared under this subsection shall be transmitted to the Congress simultaneously with their filing with the Environmental Protection Agency. The final report for the Lake Andes-Wagner Unit shall constitute a supplement to the Lake Andes-Wagner Unit report referred to in the preceding sentence.

(b) Each report prepared under subsection (a) shall include a detailed plan providing for the prevention, correction, or mitigation of adverse water quality conditions attributable to agricultural drainage water originating from lands to be irrigated by the unit to which the report pertains and shall be accompanied by findings by the Secretary and the Administrator of the Environmental Protection Agency that the unit to which the report pertains can be constructed, operated and maintained so as to comply with all applicable water quality standards.

(c) The construction of a unit may not be undertaken until the final report pertaining to that unit, and the findings referred to in subsection (b) of this section, have lain before the Congress for not less than 125 days and the Congress has appropriated funds for the initiation of construction.

SEC. 1304. AUTHORIZATION OF THE LAKE ANDES-WAGNER UNIT AND THE MARTY II UNIT, SOUTH DAKOTA.

Subject to the requirements of section 1303 of this title, the Secretary is authorized to construct, operate, and maintain the Lake Andes-Wagner Unit and the Marty II Unit, South Dakota, as units of the South Dakota Pumping Divisions, Pick-Sloan Missouri Basin Program. The units shall be integrated physically and financially with other Federal works constructed under the Pick-Sloan Missouri Basin Program.

SEC. 1305. CONDITIONS.

(a) The Lake Andes-Wagner Unit shall be constructed, operated and maintained to irrigate not more than approximately 45,000 acres substantially as provided in the Lake Andes-Wagner Unit Planning Report—Final Environmental Impact Statement filed September 17, 1985, supplemented as provided in section 1303 of this title. The Lake Andes-Wagner Unit shall include on-farm pumps, irrigation sprinkler systems, and other on-farm facilities necessary for the irrigation of not to exceed approximately 1,700 acres of Indian-owned lands. The use of electric power and energy required to operate the facilities for the irrigation of such Indian-owned lands and to provide pressurization for such Indian-owned lands shall be considered to be a project use.

(b) The Marty II Unit shall include a river pump, irrigation distribution system, booster pumps, irrigation sprinkler systems, farm and project drains, electrical distribution facilities, and the pressurization to irrigate not more than approximately 3,000 acres of Indian-owned land in the Yankton-Sioux Indian Reservation, substantially as provided in the final report for the Marty II Unit prepared pursuant to section 1303 of this title.

(c) The construction costs of the Lake Andes-Wagner Unit allocated to irrigation of non-Indian owned lands (both those assigned for return by the water users and those assigned for return from power revenues of the Pick-Sloan Missouri Basin Program) shall be repaid no later than 40 years following the development period. Repayment of the construction costs of the Lake Andes-Wagner Unit apportioned to serving Indian-owned lands and of the Marty II Unit allocated to irrigation shall be governed by the Act of July 1, 1932 (47 Stat. 564 Chapter 369; 25 U.S.C. 386a).

(d) Indian-owned lands, or interests therein, required for the Lake Andes-Wagner Unit or the Marty II Unit may, as an alternative to their acquisition pursuant to existing authority under the Federal reclamation laws, be acquired by exchange for land or interests therein of equal or greater value which are owned by the United States and administered by the Secretary or which may be acquired for that purpose by the Secretary.

(e) For purposes of participation of lands in the Lake Andes-Wagner Unit and the Marty II Unit in programs covered by title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) as amended by subtitle A of title XI of the Food, Agriculture, Conservation and Trade Act of 1990 the crop acreage base determined under title V of that Act as so amended and the program payment yield determined under title V of that Act as so amended shall be the crop acreage base and program payment yield established for the crop year immediately preceding the crop year in which the development period for each unit is initiated. For any successor programs established for crop years subsequent to 1995, the acreage and yield on which any program payments are based shall be determined without taking into consideration any increase in acreage or yield resulting from the construction and operation of the units.

(f) Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the facilities authorized by this section shall be concurrent with the construction of the unit involved and shall be on an acre-for-acre basis, based on ecological equivalency. In addition to the fish and wildlife enhancement to be provided by the fish rearing pond of the Lake Andes Unit, other facilities of that unit may be utilized to provide fish and wildlife benefits beyond the mitigation required to the extent that such benefits may be provided without increasing costs of construction, operation, maintenance or replacement allocable to irrigation or impairing the efficiency of that unit for irrigation purposes.

SEC. 1306. INDIAN EMPLOYMENT.

In carrying out sections 1302, 1304, and 1305 of this title, preference shall be given to the employment of members of the Yankton-Sioux Tribe who can perform the work required regardless of age (subject to existing laws and regulations), sex, or religion, and to the extent feasible in connection with the efficient performance of such functions, training and employment opportunities shall be provided to members of the Yankton-Sioux Tribe regardless of age (subject to existing laws and regulations), sex, or religion who are not fully qualified to perform such functions.

SEC. 1307. FEDERAL RECLAMATION LAWS GOVERN.

This title is a supplement to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts supplemental thereto and amendatory thereof). The Federal reclamation laws shall govern all functions undertaken pursuant to this title, except as otherwise provided in this title.

SEC. 1308. COST SHARING.

(a) IN GENERAL.—The proposal dated September 29, 1987, supplemented October 30, 1987 (on file with the Committee on Energy and Natural Resources of the Senate and with the Committee on Interior and Insular Affairs of the House of Representatives), pursuant to which the State of South Dakota (hereafter in this section referred to as the "State") and the Lake Andes-Wagner Irrigation District (hereinafter in this section referred to as the "District") would provide funding for certain costs of the Lake Andes-Wagner Unit, and the District would also assume certain responsibilities with respect thereto, is approved subject to the provisions of subsections (b) and (c) of this section. The Secretary shall promptly enter into negotiations with the State and District to conclude an agreement between the United States, the State, and the District implementing the proposal.

(b) The agreement shall include provisions for—

(1) the establishment and capitalization of the non-Federal fund, including, subject to the Secretary's approval, investment policies and selection of the administering financial institution, and including also provisions dealing with withdrawals of moneys in the fund for construction purposes;

(2) the District to administer the design and construction, which shall be subject to the approval of the Secretary, of the distribution and drainage systems for the Lake Andes-Wagner Unit;

(3) financing, from moneys in the fund referred to in paragraph (1), the construction cost of the ring dike, not exceeding $3,500,000, the construction cost, if any, of such dike in excess of that amount being the responsibility of the United States but any such excess cost remains reimbursable, subject to the condition that construction of the ring dike shall not commence earlier than the sixth year of full operation; and

(4) financing, from moneys in the fund referred to in paragraph (1), the construction cost of the unit's closed drainage system, not exceeding $36,000,000, the construction cost, if any, of the closed drainage system in excess of that amount being the responsibility of the United States but any such excess remains reimbursable, subject to the conditions that—

(A) construction of the closed drainage system shall commence not earlier than the 6th year of full operation of the unit and shall continue over a period of 35 years as required by the Secretary subject to such modifications in the commencement date and the construction period as the Secretary determines to be required on the basis of physical conditions;

(B) the District, in addition to such annual assessment as may be required to meet its expenses (including operation and maintenance costs and any annual repayment installments to the United States) shall, commencing three years after issuance by the Secretary of a notice that construction of the unit (other than drainage facilities) has been completed, levy assessments annually of not less than $1.00 per irrigable acre calculated to provide moneys sufficient, together with other moneys in the fund, including anticipated accruals, referred to in paragraph (1), to finance, not to exceed $36,000,000, the construction of the closed drainage system; and

(C) in the event the detailed plan of the Lake Andes-Wagner Unit referred to in subsection (b) of section 1303 reduces the irrigated acreage of the Lake Andes-Wagner Unit to less than 45,000, the District's maximum obligation hereunder shall be reduced in the ratio that the reduction in acreage bears to 45,000.

(c) Notwithstanding any other requirements of this section, the Secretary shall require that the agreement to be negotiated pursuant to this section shall provide that the total non-Federal share of the costs of construction allocable to irrigation of the facilities of the Lake Andes-Wagner Unit to be constructed pursuant to subsection (a) of section 1304 of this title (other than the costs apportionable to serving Indian-owned lands and the facilities described in the second sentence of that subsection) shall be 30 percent. The 30 percent non-Federal share shall include—

(1) funds to be deposited in the non-Federal fund referred to in paragraph (1) of subsection (b) of this section and interest earned thereon;

(2) savings to the United States by reason of paragraph (2) of subsection (b) of this section;

(3) savings to the United States by reason of administering the design and construction of any other feature or features of the Lake Andes-Wagner Unit, and of any feature or features of the Marty II Unit, the design and construction

of which is administered by the district pursuant to an agreement with the Secretary;

(4) all funds heretofore or hereafter made available to the United States by non-Federal interests, or expended by such interests, for planning or advance planning assistance for the Lake Andes-Wagner Unit or for the Marty II Unit; and

(5) any feature to which this section applies shall not be initiated until after the district and the State have entered into the cost-share agreement with the United States required by this section.

SEC. 1309. AUTHORIZATION OF APPROPRIATIONS.

(a) LAKE ANDES-WAGNER UNIT.—There are authorized to be appropriated—

(1) $175,000,000 (October 1989 price levels) for construction of the Lake Andes-Wagner Unit (other than the facilities described in the second sentence of subsection (a) of section 1305 of this title) less the non-Federal contributions as provided in subsections (b) and (c) of section 1308 of this title; and

(2) $1,350,000 (October 1989 price levels) for construction of the facilities described in the second sentence of subsection (a) of section 1305 of this title, which amounts include costs of the Lake Andes-Wagner Irrigation District in administering design and construction of the irrigation distribution and drainage systems.

(b) MARTY II UNIT.—There are authorized to be appropriated $24,000,000 (January 1989 price levels) for construction by the Bureau of Reclamation in consultation with the Bureau of Indian Affairs of the Marty II Unit.

(c) The amounts authorized to be appropriated by subsections (a) and (b) of this section shall be plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved.

(d) DEMONSTRATION PROGRAM.—There are authorized to be appropriated such amounts as may be necessary to carry out the Demonstration Program.

(e) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such amounts as may be necessary for the operation and maintenance of each unit.

SEC. 1310. INDIAN WATER RIGHTS.

Nothing in this title shall be construed as affecting any water rights or claims thereto of the Yankton-Sioux tribe.

TITLE XIV—MID-DAKOTA RURAL WATER SYSTEM

SEC. 1401. SHORT TITLE.

This title may be cited as the "Mid-Dakota Rural Water System Act of 1992".

SEC. 1402. DEFINITIONS.

For purposes of this title—

(1) the term "feasibility study" means the study entitled "Mid-Dakota Rural Water System Feasibility Study and Report" dated November 1988 and revised January 1989 and March 1989, as supplemented by the "Supplemental Report for Mid-Dakota Rural Water System" dated March 1990 (which supplemental report shall control in the case of any inconsistency between it and the study and report), as modified to reflect consideration of the benefits of the water conservation programs developed and implemented under section 1405 of this title;

(2) the term "pumping and incidental operational requirements" means all power requirements incident to the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the Mid-Dakota Rural Water System to—

(A) each entity that distributes water at retail to individual users; or

(B) each rural use location;

(3) the term "rural use location" includes a water use location—

(A) that is located in or in the vicinity of a municipality identified in appendix A of the feasibility report, for which municipality and vicinity there was on December 31, 1988, no entity engaged in the business of distributing water at retail to users in that municipality or vicinity; and

(B) that is one of no more than 40 water use locations in that municipality and vicinity;

(4) the term "summer electrical season" means May through October of each year;

(5) the term "water system" means the Mid-Dakota Rural Water System, substantially in accordance with the feasibility study;

(6) the term "Western" means the Western Area Power Administration;

(7) the term "wetland component" means the wetland development and enhancement component of the water system, substantially in accordance with the wetland component report; and

(8) the term "wetland component report" means the report entitled "Wetlands Development and Enhancement Component of the Mid-Dakota Rural Water System" dated April 1990.

SEC. 1403. FEDERAL ASSISTANCE FOR RURAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water system.

(b) SERVICE AREA.—The water system shall provide for safe and adequate municipal, rural, and industrial water supplies; mitigation of wetland areas; and water conservation in Beadle County (including the city of Huron), Buffalo, Hand, Hughes, Hyde, Jerauld, Potter, Sanborn, Spink, and Sully Counties, and elsewhere in South Dakota.

(c) TERMS AND CONDITIONS.—The Secretary shall make the grants and loans authorized by subsection (a) on terms and conditions equivalent to those applied by the Secretary of Agriculture in providing assistance to projects for the conservation, development, use, and control of water under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), except to the extent that those terms and conditions are inconsistent with this title.

(d) AMOUNT OF GRANTS.—Grants made available under subsection (a) to Mid-Dakota Rural Water System, Inc., and water conservation measures consistent with section 1405 of this title shall not exceed 85 percent of the amount authorized to be appropriated by section 1412 of this title.

(e) LOAN TERMS.—

(1) a loan or loans made to Mid-Dakota Rural Water System, Inc., under the provisions of this title shall be repaid, with interest, within 30 years from the date of each loan or loans and no penalty for pre-payment; and

(2) interest on a loan or loans made under subsection (a) to Mid-Dakota Rural Water System, Inc.—

(A) shall be determined by the Secretary of the Treasury on the basis of the weighted average yield of all interest bearing, marketable issues sold by the Treasury during the fiscal year in which the expenditures by the United States were made; and

(B) shall not accrue during planning and construction of the water system, and the first payment on such a loan shall not be due until after completion of construction of the water system.

(f) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the Mid-Dakota Water Supply System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met; and

(2) a final engineering report has been prepared and submitted to the Congress for a period of not less than 90 days.

(g) COORDINATION WITH THE DEPARTMENT OF AGRICULTURE.—

(1) The Secretary shall coordinate with the Secretary of Agriculture, to the maximum extent practicable, grant and loan assistance made under this section with similar assistance available under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

(2) The Secretary of Agriculture shall take into consideration grant and loan assistance available under this section when considering whether to provide similar assistance available under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) to an applicant in the service area defined in subsection (b).

SEC. 1404. FEDERAL ASSISTANCE FOR WETLAND DEVELOPMENT AND ENHANCEMENT.

(a) INITIAL DEVELOPMENT.—The Secretary shall make grants and otherwise make funds available to Mid-Dakota Rural Water System, Inc. and other private, State, and Federal entities for the initial development of the wetland component.

(b) OPERATION AND MAINTENANCE.—The Secretary shall make a grant, not to exceed $100,000 annually, to the Mid-Dakota Rural Water System, Inc., for the operation and maintenance of the wetland component.

(c) NONREIMBURSEMENT.—Funds provided under this section shall be nonreimbursable and nonreturnable.

SEC. 1405. WATER CONSERVATION.

(a) WITHHOLDING OF FUNDS.—The Secretary shall not obligate Federal funds for construction of the water system until the Secretary finds that non-Federal entities have developed and implemented water conservation programs throughout the service area of the water system.

(b) PURPOSE OF PROGRAMS.—The water conservation programs required by subsection (a) shall be designed to ensure that users of water from the water system will use the best practicable technology and management techniques to reduce water use and water system costs.

(c) DESCRIPTION OF PROGRAMS.—Such water conservation programs shall include (but are not limited to) adoption and enforcement of the following:

(1) Low consumption performance standards for all newly installed plumbing fixtures.

(2) Leak detection and repair programs.

(3) Metering for all elements and individual connections of the rural water supply systems to be accomplished within five years. (For purposes of this paragraph, residential buildings of more than four units may be considered as individual customers).

(4) Declining block rate schedules shall not be used for municipal households and special water users (as defined in the feasibility study).

(5) Public education programs.

(6) Coordinated operation among each rural water system and the preexisting water supply facilities in its service area.

Such programs shall contain provisions for periodic review and revision, in cooperation with the Secretary.

SEC. 1406. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction.

SEC. 1407. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, Western shall make available the capacity and en-

ergy required to meet the pumping and incidental operational requirements of the water system during the summer electrical season.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water system shall be operated on a not-for-profit basis.

(2) The water system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a cooperative power supplier which purchases power from a cooperative power supplier which itself purchases power from Western.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be Western's Pick-Sloan Eastern Division Firm Power Rate Schedule in effect when the power is delivered by Western.

(4) It shall be agreed by contract among—

(A) Western;

(B) the power supplier with which the water system contracts under paragraph (2);

(C) that entity's power supplier; and

(D) Mid-Dakota Rural Water System, Inc.;

that for the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water system, but the water system's power supplier shall not be precluded from including in its charges to the water system for such electric service its other usual and customary charges.

(5) Mid-Dakota Rural Water System, Inc., shall pay its power supplier for electric service, other than for capacity and energy supplied pursuant to subsection (a), in accordance with the power supplier's applicable rate schedule.

SEC. 1408. RULE OF CONSTRUCTION.

This title shall not be construed to limit authorization for water projects in the State of South Dakota under existing law or future enactments.

SEC. 1409. WATER RIGHTS.

Nothing in this title shall be construed to—

(1) invalidate or preempt State water law or an interstate compact governing water;

(2) alter the rights of any State to any appropriated share of the waters of any body of surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(4) 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. 1410. USE OF GOVERNMENT FACILITIES.

The use of and connection of water system facilities to Government facilities at the Oahe powerhouse and pumping plant and their use for the purpose of supplying water to the water system may be permitted to the extent that such use does not detrimentally affect the use of those Government facilities for the other purposes for which they are authorized.

SEC. 1411. AUTHORIZATION OF APPROPRIATIONS.

(a) WATER SYSTEM.—There is authorized to be appropriated to the Secretary $100,000,000 for the planning and construction of the water system under section 1403, plus such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after October 1, 1989, such sums to remain available under expended.

(b) WETLAND COMPONENT.—There are authorized to be appropriated to the Secretary—

(1) $2,756,000 for the initial development of the wetland component under section 1404; and

(2) such sums as are necessary for the operation and maintenance of the wetland component, not exceeding $100,000 annually, under section 1404;

(3) $7,000,000 for the Federal contribution to the wetland trust under section 1411.

TITLE XV—SAN LUIS VALLEY PROTECTION

SEC. 1501. PERMIT ISSUANCE PROHIBITED.

(a) No agency or instrumentality of the United States shall issue any permit, license, right-of-way, grant, loan or other authorization or assistance for any project or feature of any project to withdraw water from the San Luis Valley, Colorado, for export to another basin in Colorado or export to any portion of another State, unless the Secretary of the Interior determines, after due consideration of all findings provided by the Colorado Water Conservation Board, that the project will not—

(1) increase the costs or negatively affect operation of the Closed Basin Project;

(2) adversely affect the purposes of any national wildlife refuge or federal wildlife habitat area withdrawal located in the San Luis Valley, Colorado; or

(3) adversely affect the purposes of the Great Sand Dunes National Monument, Colorado.

(b) Nothing in this title shall be construed to alter, amend, or limit any provision of Federal or State law that applies to any project or feature of a project to withdraw water from the San Luis Valley, Colorado, for export to another basin in Colorado or another State. Nothing in this title shall be construed to limit any agency's authority or responsibility to reject, limit, or condition any such project on any basis independent of the requirements of this title.

SEC. 1502. JUDICIAL REVIEW.

The Secretary's findings required by this title shall be subject to judicial review in the United States district courts.

SEC. 1503. COSTS.

The direct and indirect costs of the findings required by section 1501 of this title shall be paid in advance by the project proponent under terms and conditions set by the Secretary.

SEC. 1504. DISCLAIMERS.

(a) Nothing in this title shall constitute either an expressed or implied reservation of water or water rights.

(b) Nothing in this title shall be construed as establishing a precedent with regard to any other federal reclamation project.

TITLE XVI—IRRIGATION ON STANDING ROCK INDIAN RESERVATION

SEC. 1601. IRRIGATION ON STANDING ROCK INDIAN RESERVATION.

Section 5(e) of Public Law 89–108, as amended by section 3 of the Garrison Diversion Unit Reformulation Act of 1986, is amended by striking "Fort Yates" and inserting "one or more locations within the Standing Rock Indian Reservation".

TITLE XVII—SOUTH DAKOTA WATER PLANNING STUDIES

SEC. 1701. AUTHORIZATION FOR SOUTH DAKOTA WATER PLANNING STUDIES.

The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may perform the planning studies necessary (including a needs assessment) to determine the feasibility and estimated cost of incorporating all or portions of the Rosebud Sioux Reservation in South Dakota into the service areas of the rural water systems authorized by the Mni Wiconi Project Act of 1988 (Public Law 100–516). Section 3(b)(1) of the Mni Wiconi Project Act of 1988 is amended by striking "shall" and inserting "may".

TITLE XVIII—PLATORO RESERVOIR AND DAM, SAN LUIS VALLEY PROJECT, COLORADO

SEC. 1801. FINDINGS AND DECLARATIONS.

The Congress finds that and declares the following:

(1) Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project was built in 1951 and for all practical purposes has not been usable because of the constraints imposed by the Rio Grande Compact of 1939 on the use of the Rio Grande River among the States of Colorado, New Mexico, and Texas.

(2) The usefulness of Platoro Reservoir under future compact compliance depends upon the careful conservation and wise management of water and requires the operation of the reservoir project in conjunction with privately owned water rights of the local water users.

(3) It is in the best interest of the people of the United States to—

(A) transfer operation, maintenance, and replacement responsibility for the Platoro Dam and Reservoir to the Conejos Water Conservancy District of the State of Colorado, which is the local water user district with repayment responsibility to the United States, and the local representative of the water users with privately owned water rights;

(B) relieve the people of the United States from further risk or obligation in connection with the collection of construction charge repayments and annual operation and maintenance payments for the Platoro Dam and Reservoir by providing for payment of a one-time fee to the United States in lieu of the scheduled annual payments and termination of any further repayment obligation to the United States and the District (Contract No. I1r–1529, as amended); and

(C) determine such one-time fee, taking into account the assumption by the District of all of the operations and maintenance costs associated with the reservoir, including the existing Federal obligation for the operation and maintenance of the reservoir for flood control purposes, and maintaining a minimum stream flow as provided in section 1802(d) of this title.

SEC. 1802. TRANSFER OF OPERATION AND MAINTENANCE RESPONSIBILITY OF PLATORO RESERVOIR.

(a) IN GENERAL.—The Secretary is authorized and directed to undertake the following:

(1) Accept a one-time payment of $450,000 from the district in lieu of the repayment obligation of paragraphs 8(d) and 11 of the Repayment Contract between the United States and the District (No. I1r–1529) as amended.

(2) Enter into an agreement for the transfer of all of the operation and maintenance functions of the Platoro Dam and Reservoir, including the operation and maintenance of the reservoir for flood control purposes, to the District. The agreement shall provide—

(A) that the District will have the exclusive responsibility for operations and the sole obligation for all of the maintenance of the reservoir in a satisfactory condition for the life of the reservoir subject to review of such maintenance by the Secretary to ensure compliance with reasonable operation, maintenance and dam safety requirements as they apply to Platoro Dam, and Reservoir under Federal and State law; and,

(B) that the District shall have the exclusive use of all associated facilities, including outlet works, remote control equipment, spillway, and land and buildings in the Platoro townsite.

(b) TITLE.—Title to the Platoro Dam and Reservoir and all associated facilities shall remain with the United States, and authority to make recreational use of Platoro Dam and Reservoir shall be under the control and supervision of the United States Forest Service, Department of Agriculture.

(c) AMENDMENTS TO CONTRACT.—The Secretary is authorized to enter into such other amendments to such contract No. I1r–1529, as amended, necessary to facilitate the intended operations of the project by the District. All ap-

plicable provisions of the Federal reclamation laws shall remain in effect with respect to such contract.

(d) CONDITIONS IMPOSED UPON THE DISTRICT.—The transfer of operation and maintenance responsibility under subsection (a) shall be subject to the following conditions:

(1)(A) The district will, after consultation with the United States Forest Service, Department of Agriculture, operate the Platoro Dam and Reservoir in such a way as to provide—

(i) that releases of bypass from the reservoir flush out the channel of the Conejos River periodically in the spring or early summer to maintain the hydrologic regime of the river; and

(ii) that any releases from the reservoir contribute to even flows in the river as far as possible from October 1 to December 1 so as to be sensitive to the brown trout spawn.

(B) Operation of the Platoro Dam and Reservoir by the district for water supply uses (including storage and exchange of water rights owned by the District or its constituents), interstate compact and flood control purposes shall be senior and paramount to the channel flushing and fishery objectives referred to in subparagraph (A).

(2) The District will provide and maintain a permanent pool in the Platoro Reservoir for fish, wildlife, and recreation purposes, in the amount of 3,000 acre-feet, including the initial filling of the pool and periodic replenishment of seepage and evaporation loss: Provided, however, That if necessary to maintain the winter instream flow provided in subparagraph (3), the permanent pool may be allowed to be reduced to 2,400 acre-feet.

(3) In order to preserve fish and wildlife habitat below Platoro Reservoir, the District shall maintain releases of water from Platoro Reservoir of 7 cubic feet per second during the months of October through April and shall bypass 40 cubic feet per second or natural inflow, whichever is less, during the months of May through September.

(4) The United States Forest Service, Department of Agriculture, is directed to regularly monitor operation of Platoro Reservoir, including releases from it for instream flow purposes, and to enforce the provisions of this subsection (d).

(e) FLOOD CONTROL MANAGEMENT.—The Secretary of the Army, acting through the Chief of Engineers, shall retain exclusive authority over Platoro Dam and Reservoir for flood control purposes and shall direct the District in the operation of the dam for such purposes. To the extent possible, management by the Secretary of the Army under this subsection shall be consistent with the water supply use of the reservoir, with the administration of the Rio Grande Compact of 1939 by the Colorado State Engineer and with the provisions of subsection (d) hereof. The Secretary of the Army shall enter into a Letter of Understanding with the District and the United States Bureau of Reclamation prior to transfer of operations which details the responsibility of each party and specifies the flood control criteria for the reservoir.

(f) COMPLIANCE WITH COMPACT AND OTHER LAWS.—The transfer under section 1802 shall be subject to the District's compliance with the Rio Grande Compact of 1939 and all other applicable laws and regulations, whether of the State of Colorado or of the United States.

SEC. 1803. DEFINITIONS.

As used in this title—

(1) the term "District" means the Conejos Water Conservancy District of the State of Colorado;

(2) the term "Federal reclamation laws" means the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof; and

(3) the term "Platoro Reservoir" means the Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project.

TITLE XIX—RECLAMATION WASTEWATER AND GROUNDWATER STUDIES

SEC. 1901. SHORT TITLE.

This title may be referred to as the "Reclamation Wastewater and Groundwater Study and Facilities Act".

SEC. 1902. GENERAL AUTHORITY.

(a) The Secretary of the Interior, acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto (hereafter "Federal reclamation laws"), is directed to undertake a program to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, for the design and construction of demonstration and permanent facilities to reclaim and reuse wastewater, and to conduct research, including desalting, for the reclamation of wastewater and naturally impaired ground and surface waters.

(b) Such program shall be limited to the States and areas referred to in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) as amended.

(c) The Secretary is authorized to enter into such agreements and promulgate such regulations as may be necessary to carry out the purposes and provisions of this title.

(d) The Secretary shall not investigate, promote or implement, pursuant to this title, any project intended to reclaim and reuse agricultural wastewater generated in the service area of the San Luis Unit of the Central Valley Project, California, except those measures recommended for action by the San Joaquin Valley Drainage Program in the report entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

SEC. 1903. APPRAISAL INVESTIGATIONS.

(a) The Secretary shall undertake appraisal investigations to identify opportunities for water reclamation and reuse. Each such investigation shall take into account environmental considerations as provided by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued to implement the provision thereof, and shall include recommendations as to the preparation of a feasibility study of the potential reclamation and reuse measures.

(b) Appraisal investigations undertaken pursuant to this title shall consider, among other things—

(1) all potential uses of reclaimed water, including, but not limited to, environmental restoration, fish and wildlife, groundwater recharge, municipal, domestic, industrial, agricultural, power generation, and recreation;

(2) the current status of water reclamation technology and opportunities for development of improved technologies;

(3) measures to stimulate demand for and eliminate obstacles to use of reclaimed water, including pricing;

(4) measures to coordinate and streamline local, state and Federal permitting procedures required for the implementation of reclamation projects; and

(5) measures to identify basic research needs required to expand the uses of reclaimed water in a safe and environmentally sound manner.

(c) The Secretary shall consult and cooperate with appropriate State, regional, and local authorities during the conduct of each appraisal investigation conducted pursuant to this title.

(d) Costs of such appraisal investigations shall be nonreimbursable.

SEC. 1904. FEASIBILITY STUDIES.

(a) The Secretary is authorized to participate with appropriate Federal, State, regional, and local authorities in studies to determine the feasibility of water reclamation and reuse projects recommended for such study pursuant to section 1903 of this title. The Federal share of the costs of such feasibility studies shall not exceed 50 percent of the total, except that the Secretary may increase the Federal share of the costs of such feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the non-Federal participant, that the non-Federal participant is unable to contribute at least 50 percent of the costs of such study. The Secretary may accept as part of the non-Federal cost share the contribution of such in-kind services by the non-Federal participant that the Secretary determines will contribute substantially toward the conduct and completion of the study.

(b) The Federal share of feasibility studies, including those described in sections 1906 and 1908 through 1910 of this title, shall be considered as project costs and shall be reimbursed in accordance with the Federal reclamation laws, if the project studied is implemented.

(c) In addition to the requirements of other Federal laws, feasibility studies authorized under this title shall consider, among other things—

(1) near- and long-term water demand and supplies in the study area;

(2) all potential uses for reclaimed water;

(3) measures and technologies available for water reclamation, distribution, and reuse;

(4) public health and environmental quality issues associated with use of reclaimed water; and,

(5) whether development of the water reclamation and reuse measures under study would—

(A) reduce, postpone, or eliminate development of new or expanded water supplies, or

(B) reduce or eliminate the use of existing diversions from natural watercourses or withdrawals from aquifers.

SEC. 1905. RESEARCH AND DEMONSTRATION PROJECTS.

The Secretary is authorized to conduct research and to construct, operate, and maintain cooperative demonstration projects for the development and demonstration of appropriate treatment technologies for the reclamation of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters. The Federal share of the costs of demonstration projects shall not exceed 50 percent of the total cost including operation and maintenance. Rights to inventions developed pursuant to this section shall be governed by the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (Pub. L. 96-480) as amended by the Technology Transfer Act of 1986 (Pub. L. 99-502).

SEC. 1906. SOUTHERN CALIFORNIA COMPREHENSIVE WATER RECLAMATION AND REUSE STUDY.

(a) The Secretary is authorized to conduct a study to assess the feasibility of a comprehensive water reclamation and reuse system for Southern California. For the purpose of this title, the term "Southern California" means those portions of the counties of Imperial, Los Angeles, Orange, San Bernadino, Riverside, San Diego, and Ventura within the south coast and Colorado River hydrologic regions as defined by the California Department of Water Resources.

(b) The Secretary shall conduct the study authorized by this section in cooperation with the State of California and appropriate local and regional entities. The Federal share of the costs associated with this study shall not exceed 50 percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on En-

ergy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than six years after appropriation of funds authorized by this title.

SEC. 1907. SAN JOSE AREA WATER RECLAMATION AND REUSE PROGRAM.

(a) The Secretary, in cooperation with the city of San Jose, California, and the Santa Clara Valley Water District, and local water suppliers, shall participate in the planning, design and construction of demonstration and permanent facilities to reclaim and reuse water in the San Jose metropolitan service area.

(b) The Federal share of the costs of the facilities authorized by subsection (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

SEC. 1908. PHOENIX METROPOLITAN WATER RECLAMATION STUDY AND PROGRAM.

(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall conduct a feasibility study of the potential for development of facilities to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, ground water recharge and direct potable reuse in the Phoenix metropolitan area, and in cooperation with the city of Phoenix design and construct facilities for environmental purposes, ground water recharge and direct potable reuse.

(b) The Federal share of the costs of the study authorized by this section shall not exceed 50 percent of the total. The Federal share of the costs associated with the project described in subsection (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for operation or maintenance of the project.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this title.

SEC. 1909. TUCSON AREA WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the State of Arizona and appropriate local and regional entities, shall conduct a feasibility study of comprehensive water reclamation and reuse system for Southern Arizona. For the purpose of this section, the term "Southern Arizona" means those portions of the counties of Pima, Santa Cruz, and Pinal within the Tucson Active Management Hydrologic Area as defined by the Arizona Department of Water Resources.

(b) The Federal share of the costs of the study authorized by this section shall not exceed 50 percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than four years after appropriation of funds authorized by this title.

SEC. 1910. LAKE CHERAW WATER RECLAMATION AND REUSE STUDY.

(a) The Secretary is authorized, in cooperation with the State of Colorado and appropriate local and regional entities, to conduct a study to assess and develop means of reclaiming the waters of Lake Cheraw, Colorado, or otherwise ameliorating, controlling and mitigating potential negative impacts of pollution in the waters of Lake Cheraw on ground water resources or the waters of the Arkansas River.

(b) The Federal share of the costs of the study authorized by this section shall not exceed 50 percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this title.

SEC. 1911. SAN FRANCISCO AREA WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the city and county of San Francisco, shall conduct a feasibility study of the potential for development of demonstration and permanent facilities to reclaim water in the San Francisco area for the purposes of export and reuse elsewhere in California.

(b) The Federal share of the cost of the study authorized by this section shall not exceed 50 percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than four years after appropriation of funds authorized by this title.

SEC. 1912. SAN DIEGO AREA WATER RECLAMATION PROGRAM.

(a) The Secretary, in cooperation with the city of San Diego, California or its successor agency in the management of the San Diego Area Wastewater Management District, shall participate in the planning, design and construction of demonstration and permanent facilities to reclaim and reuse water in the San Diego metropolitan service area.

(b) The Federal share of the costs of the facilities authorized by subsection (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

SEC. 1913. LOS ANGELES AREA WATER RECLAMATION AND REUSE PROJECT.

(a) The Secretary is authorized to participate with the city and county of Los Angeles, State of California, West Basin Municipal Water District, and other appropriate authorities, in the design, planning, and construction of water reclamation and reuse projects to treat approximately one hundred and twenty thousand acre-feet per year of effluent from the city and county of Los Angeles, in order to provide new water supplies for industrial, environmental, and other beneficial purposes, to reduce the demand for imported water, and to reduce sewage effluent discharged into Santa Monica Bay.

(b) The Secretary's share of costs associated with the project described in subsection (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for operation or maintenance of the project.

SEC. 1914. SAN GABRIEL BASIN DEMONSTRATION PROJECT.

(a) The Secretary, in cooperation with the Metropolitan Water District of Southern California and the Main San Gabriel Water Quality Authority or a successor public agency, is authorized to participate in the design, planning and construction of a conjunctive-use facility designed to improve the water quality in the San Gabriel groundwater basin and allow the utilization of the basin as a water storage facility: Provided, That this authority shall not be construed to limit the authority of the United States under any other Federal statute to pursue remedial actions or recovery of costs for work performed pursuant to this subsection.

(b) The Secretary's share of costs associated with the project described in subsection (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

SEC. 1915. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of sections 1901 through 1914 of this title.

SEC. 1916. GROUNDWATER STUDY.

(a) In furtherance of the High Plains Groundwater Demonstration Program Act of 1983 (98 Stat. 1675), the Secretary of the Interior, acting through the Bureau of Reclamation and the Geological Survey, shall conduct an investigation and analysis of the impacts of existing Bureau of Reclamation projects on the quality and quantity of groundwater resources. Based on such investigation and analysis, the Secretary shall prepare a reclamation groundwater management and technical assistance report which shall include—

(1) a description of the findings of the investigation and analysis, including the methodology employed;

(2) a description of methods for optimizing Bureau of Reclamation project operations to ameliorate adverse impacts on ground water, and

(3) the Secretary's recommendations, along with the recommendations of the Governors of the affected States, concerning the establishment of a ground water management and technical assistance program in the Department of the Interior in order to assist Federal and non-Federal entity development and implementation of groundwater management plans and activities.

(b) In conducting the investigation and analysis, and in preparation of the report referred to in this section, the Secretary shall consult with the Governors of the affected States.

(c) The report shall be submitted to the Committees on Appropriations and Interior and Insular Affairs of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate within three years of the appropriation of funds authorized by section 1917.

SEC. 1917. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal years beginning after September 30, 1992, $4,000,000 to carry out the study authorized by section 1916.

TITLE XX—SALTON SEA RESEARCH PROJECT

SEC. 2001. RESEARCH PROJECT TO CONTROL SALINITY.

(a) RESEARCH PROJECT.—The Secretary of the Interior, acting through the Bureau of Reclamation, shall conduct a research project for the development of a method or combination of methods to reduce and control salinity in inland water bodies. Such research shall include testing an enhanced evaporation system for treatment of saline waters, and studies regarding in-water segregation of saline waters and of dilution from other sources. The project shall be located in the area of the Salton Sea of Southern California.

(b) COST SHARE.—The non-Federal share of the cost of the project referred to in subsection (a) shall be 50 percent of the cost of the project.

(c) REPORT.—Not later than September 30, 1996, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives regarding the results of the project referred to in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out the purposes of this title.

TITLE XXI—RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE UNIT, NEW MEXICO

SEC. 2101. CLARIFICATION OF COST-SHARE REQUIREMENTS.

Notwithstanding any other provision of law, the project for flood control, Rio Grande Floodway, San Acacia to Bosque del Apache Unit, New Mexico, authorized by section 203 of

the Flood Control Act of 1948 (Public Law 80–858) and amended by section 204 of the Flood Control Act of 1950 (Public Law 81–516), is modified to more equitably reflect the non-Federal benefits from the project in relation to the total benefits of the project by reducing the non-Federal contribution for the project by that percentage of benefits which is attributable to the Federal properties: Provided, however, That the Federal property benefits exceed 50 percent of the total project benefits.

TITLE XXII—REDWOOD VALLEY COUNTY WATER DISTRICT, CALIFORNIA

SEC. 2201. SALE OF BUREAU OF RECLAMATION LOANS.

(a) The Secretary of the Interior shall conduct appropriate investigations regarding, and is authorized to, sell, or accept prepayment on, loans made pursuant to the Small Reclamation Projects Act (43 U.S.C. 422a–4221) to the Redwood Valley County Water District.

(b) Any sale or prepayment of such loans, which are numbered 14–06–200–8423A and 14–06–200–842A Amendatory to the Redwood Valley County Water District, shall realize an amount to the Federal Government calculated by discounting the remaining payments due on the loans by the interest rate determined according to this section.

(c) The Secretary shall determine the interest rate in accordance with the guidelines set forth in Circular A–129 issued by the Office of Management and Budget concerning loan sales and prepayment of loans.

(d) In determining the interest rate, the Secretary—

(1) shall not equate an appropriate amount of prepayment with the price of the loan if it were to be sold on the open market to a third party, and

(2) shall, in following the guidelines set forth in Circular A–129 regarding an allowance for administrative expenses and possible losses, make such an allowance from the perspective of the Federal Government as lender and not from the perspective of a third party purchasing the loan on the open market.

(e) If the borrower or purchaser of the loan has access to tax-exempt financing (including, but not limited to, tax-exempt bonds, tax-exempt cash reserves, and cash and loans of any kind from any tax-exempt entity) to finance the transaction, and if the Office of Management and Budget grants the Secretary the right to conduct such a transaction, then the interest rate by which the Secretary discounts the remaining payments due on the loan shall be adjusted by an amount that compensates the Federal Government for the direct or indirect loss of future tax revenues.

(f) Notwithstanding any other provision in this title, the interest rate shall not exceed a composite interest rate consisting of the current market yield on Treasury securities of comparable maturities.

(g) The Secretary shall obtain approval from the Secretary of the Treasury and the Director of the Office of Management and Budget of the final terms of any loan sale or prepayment made pursuant to this title.

SEC. 2202. SAVINGS PROVISIONS.

Nothing in this title, including prepayment or other disposition of any loans, shall—

(a) except to the extent that prepayment may have been authorized heretofore, relieve the borrower from the applications of the provisions of Federal Reclamation Law (Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto, including the Reclamation Reform Act of 1982), including acreage limitations, to the extent such provisions would apply absent such prepayment; or

(b) authorize the transfer of title to any federally owned facilities funded by the loans specified in section 2201 of this title without a specific act of Congress.

SEC. 2203. FEES AND EXPENSES OF PROGRAM.

In addition to the amount to be realized by the United States as provided in section 2201, the Redwood Valley County Water District shall pay all reasonable fees and expenses incurred by the Secretary relative to the sale.

SEC. 2204. TERMINATION OF AUTHORITY.

The authority granted by this title to sell loans shall terminate two years after the date of enactment of this Act: Provided, That the borrower shall have at least 60 days to respond to any prepayment offer made by the Secretary.

TITLE XXIII—UNITED WATER CONSERVATION DISTRICT, CALIFORNIA

SEC. 2301. SALE OF THE FREEMAN DIVERSION IMPROVEMENT PROJECT LOAN.

(a) AGREEMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall conduct appropriate investigations regarding, and is authorized to sell, or accept prepayment on, the loan contract described in paragraph (2) to the United Water Conservation District in California (referred to in this title as the "District") for the Freeman Diversion Improvement Project.

(2) LOAN CONTRACT.—The loan contract described in paragraph (1) is numbered 7–07–20–W0615 and was entered into pursuant to the Small Reclamation Projects Act of 1956 (43 U.S.C. 442a et seq.).

(b) PAYMENT.—Any agreement negotiated pursuant to subsection (a) shall realize an amount to the Federal Government calculated by discounting the remaining payments due on the loans by the interest rate determined according to this section.

(c) The Secretary shall determine the interest rate in accordance with the guidelines set forth in Circular A–129 issued by the Office of Management and Budget concerning loan sales and prepayment of loans.

(d) In determining the interest rate, the Secretary—

(1) shall not equate an appropriate amount of prepayment with the price of the loan if it were to be sold on the open market to a third party, and

(2) shall, in following the guidelines set forth in Circular A–129 regarding an allowance for administrative expenses and possible losses, make such an allowance from the perspective of the Federal Government as lender and not from the perspective of a third party purchasing the loan on the open market.

(e) If the borrower or purchaser of the loan has access to tax-exempt financing (including, but not limited to, tax-exempt bonds, tax-exempt cash reserves, and cash and loans of any kind from any tax-exempt entity) to finance the transaction, and if the Office of Management and Budget grants the Secretary the right to conduct such a transaction, then the interest rate by which the Secretary discounts the remaining payments due on the loan shall be adjusted by an amount that compensates the Federal Government for the direct or indirect loss of future tax revenues.

(f) Notwithstanding any other provision in this title, the interest rate shall not exceed a composite interest rate consisting of the current market yield on Treasury securities of comparable maturities.

(g) The Secretary shall obtain approval from the Secretary of the Treasury and the Director of the Office of Management and Budget of the final terms of any loan sale or prepayment made pursuant to this title.

SEC. 2302. TERMINATION AND CONVEYANCE OF RIGHTS.

Upon receipt of the payment specified in section 2301(b)—

(1) the District's obligation under the loan contract described in section 2301(a)(2) shall be terminated;

(2) the Secretary of the Interior shall convey all right and interest of the United States in the Freeman Diversion Improvement Project to the District; and,

(3) the District shall absolve the United States, and its officers and agents, of any liability associated with the Freeman Diversion Improvement Project.

SEC. 2303. TERMINATION OF AUTHORITY.

The authority granted by this title to sell loans shall terminate two years after the date of enactment of this Act: Provided, That the borrower shall have at least 60 days to respond to any prepayment offer made by the Secretary.

TITLE XXIV—SAN JUAN SUBURBAN WATER DISTRICT, CENTRAL VALLEY PROJECT, CALIFORNIA

SEC. 2401. REPAYMENT OF WATER PUMPS, SAN JUAN SUBURBAN WATER DISTRICT, CENTRAL VALLEY PROJECT, CALIFORNIA.

(a) WATER PUMP REPAYMENT.—The Secretary shall credit to the unpaid capital obligation of the San Juan Suburban Water District (District), as calculated in accordance with the Central Valley Project rate setting policy, an amount equal to the documented price paid by the District for pumps provided by the District to the Bureau of Reclamation, in 1991, for installation at Folsom Dam, Central Valley Project, California.

(b) CONDITIONS.—(1) The amount credited shall not include any indirect or overhead costs associated with the acquisition of the pumps, such as those associated with the negotiation of a sales price or procurement contract, inspection, and delivery of the pumps from the seller to the Bureau.

(2) The credit is effective on the date the pumps were delivered to the Bureau for installation at Folsom Dam.

TITLE XXV—SUNNYSIDE VALLEY IRRIGATION DISTRICT, WASHINGTON

SEC. 2501. CONVEYANCE TO SUNNYSIDE VALLEY IRRIGATION DISTRICT.

The Secretary of the Interior shall convey to Sunnyside Valley Irrigation District of Sunnyside, Washington, by quitclaim deed or other appropriate instrument and without consideration, all right, title, and interest of the United States, excluding oil, gas, and other mineral deposits, in and to a parcel of public land described at lots 1 and 2 of block 34 of the town of Sunnyside in section 25, township 10 north, range 22 east, Willamette Meridian, Washington.

TITLE XXVI—HIGH PLAINS GROUNDWATER PROGRAM

SEC. 2601. HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROGRAM ACT.

The High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1 et seq.) is amended as follows:

(1) Section 4(c)(2) and section 5 are each amended by striking "final report" each place it appears and inserting "summary report".

(2) Section 4(c) is amended by adding at the end the following:

"(3) In addition to recommendations made under section 3, the Secretary shall make additional recommendations for design, construction, and operation of demonstration projects. Such projects are authorized to be designed, constructed, and operated in accordance with subsection (a).

"(4) Each project under this section shall terminate 5 years after the date on which construction on the project is completed.

"(5) At the conclusion of phase II the Secretary shall submit a final report to the Congress which shall include, but not be limited to,

a detailed evaluation of the projects under this section.".

(3) Section 7 is amended by striking "$20,000,000 (October 1983 price levels)" and inserting in lieu thereof "$31,000,000 (October 1990 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein".

TITLE XXVII—AMENDMENT TO SABINE RIVER COMPACT

SEC. 2701. CONSENT TO AMENDMENT TO SABINE RIVER COMPACT.

The consent of Congress is given to the amendment, described in section 2703, to the interstate compact, described in section 2702, relating to the waters of the Sabine River and its tributaries.

SEC. 2702. COMPACT DESCRIBED.

The compact referred to in the previous section is the compact between the States of Texas and Louisiana, and consented to by Congress in the Act of August 10, 1954 (chapter 668; 68 Stat. 690; Public Law 85–78).

SEC. 2703. AMENDMENT.

The amendment referred to in section 2701 strikes "One of the Louisiana members shall be ex officio the Director of the Louisiana Department of Public Works; the other Louisiana member shall be a resident of the Sabine Watershed and shall be appointed by the Governor of Louisiana for a term of four years: Provided, That the first member so appointed shall serve until June 30, 1958." in article VII(c) and inserts "The Louisiana members shall be residents of the Sabine Watershed and shall be appointed by the Governor for a term of four years, which shall run concurrent with the term of the Governor.".

TITLE XXVIII—MONTANA IRRIGATION PROJECTS

SEC. 2801. PICK-SLOAN PROJECT PUMPING POWER.

(a) The Secretary of the Interior, in cooperation with the Secretary of Energy, shall make available, as soon as practicable after the date of enactment of this Act, project pumping power from the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" approved December 22, 1944 (58 Stat. 891) (commonly known as the "Flood Control Act of 1944") to two existing non-Federal irrigation projects known as the—

(1) Haidle Irrigation Project, Prairie County, Montana; and

(2) Hammond Irrigation District, Rosebud County, Montana.

(b) Power made available under this section shall be at the firm power rate.

TITLE XXIX—ELEPHANT BUTTE IRRIGATION DISTRICT, NEW MEXICO

SEC. 2901. TRANSFER.

The Secretary is authorized to transfer to the Elephant Butte Irrigation District, New Mexico, and El Paso County Water Improvement District No. 1, Texas, without cost to the respective district, title to such easements, ditches, laterals, canals, drains, and other rights-of-way, which the United States has acquired on behalf of the project, that are used solely for the purpose of serving the respective district's lands and which the Secretary determines are necessary to enable the respective district to carry out operation and maintenance with respect to that portion of the Rio Grande project to be transferred. The transfer of the title to such easements, ditches, laterals, canals, drains, and other rights-of-way located in New Mexico, which the Secretary has, that are used for the purpose of jointly serving Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, may be transferred to Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, jointly, upon agreement by the Secretary and both districts. Any transfer under this section shall be subject to the condition that the respective district assume responsibility for operating and maintaining their portion of the project.

SEC. 2902. LIMITATION.

Title to and responsibility for operation and maintenance of Elephant Butte and Caballo dams, and Percha, Leasburg, and Mesilla diversion dams and the works necessary for their protection and operation shall be unaffected by this title.

SEC. 2903. EFFECT OF ACT ON OTHER LAWS.

Nothing in this title shall affect any right, title, interest or claim to land or water, if any, of the Ysleta del Sur Pueblo, a federally recognized Indian Tribe.

TITLE XXX—RECLAMATION RECREATION MANAGEMENT ACT

SEC. 3001. SHORT TITLE.

This title may be cited as the "Reclamation Recreation Management Act of 1992".

SEC. 3002. FINDINGS.

The Congress finds and declares the following:

(1) There is a Federal responsibility to provide opportunities for public recreation at Federal water projects.

(2) Some provisions of the Federal Water Project Recreation Act are outdated because of increases in demand for outdoor recreation and changes in the economic climate for recreation managing entities.

(3) Provisions of such Act relating to non-Federal responsibility for all costs of operation, maintenance, and replacement of recreation facilities result in an unfair burden, especially in cases where the facilities are old or underdesigned.

(4) Provisions of such Act that limit the Federal share of recreation facility development at water projects completed before 1965 to $100,000 preclude a responsible Federal share in providing adequate opportunities for safe outdoor recreation.

(5) There should be Federal authority to expand existing recreation facilities to meet public demand, in partnership with non-Federal interests.

(6) Nothing in this title changes the responsibility of the Bureau to meet the purposes for which Federal Reclamation projects were initially authorized and constructed.

(7) It is therefore in the best interest of the people of this Nation to amend the Federal Water Project Recreation Act to remove outdated restrictions and authorize the Secretary of the Interior to undertake specific measures for the management of Reclamation lands.

SEC. 3003. DEFINITIONS.

For the purposes of this title:

(1) The term "Reclamation lands" means real property administered by the Secretary, acting through the Commissioner of Reclamation, and includes all acquired and withdrawn lands and water areas under jurisdiction of the Bureau.

(2) The term "Reclamation program" means any activity authorized under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371), and Acts supplementary thereto and amendatory thereof).

(3) The term "Reclamation project" means any water supply or water delivery project constructed or administered by the Bureau of Reclamation under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371), and Acts supplementary thereto and amendatory thereof).

SEC. 3004. AMENDMENTS TO THE FEDERAL WATER PROJECT RECREATION ACT.

(a) ALLOCATION OF COSTS.—Section 2(a) of the Federal Water Project Recreation Act (16 U.S.C.460l–13(a)) is amended, in the matter preceding paragraph (1), by striking "all the costs of operation, maintenance, and replacement" and inserting "not less than one-half the costs of operation, maintenance, and replacement".

(b) RECREATION AND FISH AND WILDLIFE ENHANCEMENT.—Section 3(b)(1) of the Federal Water Project Recreation Act (16 U.S.C. 460l–14(b)(1)) is amended—

(1) by striking "within ten years"; and

(2) by striking "all costs of operation, maintenance, and replacement attributable" and inserting "not less than one-half the costs of planning studies, and the costs of operation, maintenance, and replacement attributable".

(c) LEASE OF FACILITIES.—Section 4 of the Federal Water Project Recreation Act (16 U.S.C. 460l–15) is amended by striking "costs of operation, maintenance, and replacement of existing" and inserting "not less than one-half the costs of operation, maintenance, and replacement of existing".

(d) EXPANSION OR MODIFICATION OF EXISTING FACILITIES.—Section 3 of the Federal Water Project Recreation Act (16 U.S.C. 460l–14) is amended by adding at the end the following new subsection:

"(c)(1) Any recreation facility constructed under this Act may be expanded or modified if—

"(A) the facility is inadequate to meet recreational demands; and

"(B) a non-Federal public body executes an agreement which provides that such public body—

"(i) will administer the expanded or modified facilities pursuant to a plan for development for the project that is approved by the agency with administrative jurisdiction over the project; and

"(ii) will bear not less than one-half of the planning and capital costs of such expansion or modification and not less than one-half of the costs of the operation, maintenance, and replacement attributable to the expansion of the facility.

"(2) The Federal share of the cost of expanding or modifying a recreational facility described in paragraph (1) may not exceed 50 percent of the total cost of expanding or modifying the facility.".

(e) LIMITATION.—Section 7(a) of the Federal Water Project Recreation Act (16 U.S.C. 460l–18(a)) is amended—

(1) by striking "purposes: Provided," and all that follows through the end of the sentence and inserting "purposes"; and

(2) by striking "subsection 3(b)" and inserting "subsection (b) or (c) of section 3".

SEC. 3005. MANAGEMENT OF RECLAMATION LANDS.

(a) ADMINISTRATION.—(1) Upon a determination that any such fee, charge, or commission is reasonable and appropriate, the Secretary acting through the Commissioner of Reclamation, is authorized to establish—

(A) filing fees for applications and other documents concerning entry upon and use of Reclamation lands;

(B) recreation user fees; and

(C) charges or commissions for the use of Reclamation lands.

(2) The Secretary, acting through the Commissioner of Reclamation, shall promulgate such regulations as the Secretary determines to be necessary—

(A) to carry out the provisions of this section and section 3006;

(B) to ensure the protection, comfort, and well-being of the public (including the protection of public safety) with respect to the use of Reclamation lands; and

(C) to ensure the protection of resource values.

(b) INVENTORY.—The Secretary, acting through the Commissioner of Reclamation, is authorized to—

(1) prepare and maintain on a continuing basis an inventory of resources and uses made of Reclamation lands and resources, keep records of such inventory, and make such records available to the public; and

(2) ascertain the boundaries of Reclamation lands and provide a means for public identification (including, where appropriate, providing signs and maps).

(c) PLANNING.—(A) The Secretary, acting through the Commissioner of Reclamation, is authorized to develop, maintain, and revise resource management plans for Reclamation lands.

(B) Each plan described in subparagraph (A)—

(i) shall be consistent with applicable laws (including any applicable statute, regulation, or Executive order);

(ii) shall be developed in consultation with—

(I) such heads of Federal and non-Federal departments or agencies as the Secretary determines to be appropriate; and

(II) the authorized beneficiaries (as determined by the Secretary) of any Reclamation project included in the plan; and

(iii) shall be developed with appropriate public participation.

(C) Each plan described in subparagraph (A) shall provide for the development, use, conservation, protection, enhancement, and management of resources of Reclamation lands in a manner that is compatible with the authorized purposes of the Reclamation project associated with the Reclamation lands.

(d) NONREIMBURSABLE FUNDS.—Funds expended by the Secretary in carrying out the provisions of this title shall be nonreimbursable under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371), and Acts supplementary thereto and amendatory thereof).

SEC. 3006. PROTECTION OF AUTHORIZED PURPOSES OF RECLAMATION PROJECTS.

(a) Nothing in this title shall be construed to change, modify, or expand the authorized purposes of any Reclamation project.

(b) The expansion or modification of a recreational facility constructed under this title shall not increase the capital repayment responsibilities or operation and maintenance expenses of the beneficiaries of authorized purposes of the associated Reclamation project.

SEC. 3007. MAINTENANCE OF EFFORT.

Prior to making an expenditure for the construction, operation, and maintenance of any expansion of a recreation facility under section 3004(d) of this title at any project, the Secretary must determine that the expansion will not result in a delay or postponement of, or a lack of funding for, the repair, replacement, or rehabilitation of the water storage or delivery features which are necessary for the authorized purposes of such project.

TITLE XXXI—WESTERN WATER POLICY REVIEW

SEC. 3101. SHORT TITLE.

This title may be cited as the "Western Water Policy Review Act of 1992."

SEC. 3102. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Nation needs an adequate water supply for all states at a reasonable cost;

(2) the demands on the Nation's finite water supply are increasing;

(3) coordination on both the Federal level and the local level is needed to achieve water policy objectives;

(4) not less than fourteen agencies of the Federal Government are currently charged with functions relating to the oversight of water policy;

(5) the diverse authority over Federal water policy has resulted in unclear goals and an inefficient handling of the Nation's water policy;

(6) the conflict between competing goals and objectives by Federal, State, and local agencies as well as by private water users is particularly acute in the nineteen Western States which have arid climates which include the seventeen reclamation States, Hawaii, and Alaska;

(7) the appropriations doctrine of water allocation which characterizes most western water management regimes varies from State to State, and results in many instances in increased competition for limited resources;

(8) the Federal Government has recognized and continues to recognize the primary jurisdiction of the several States over the allocation, priority, and use of water resources of the States and that the Federal Government will, in exercising its authorities, comply with applicable State laws;

(9) the Federal Government recognizes its trust responsibilities to protect Indian water rights and assist Tribes in the wise use of those resources;

(10) Federal agencies, such as the Bureau of Reclamation, have had, and will continue to have major responsibilities in assisting States in the wise management and allocation of scarce water resources; and

(11) the Secretary of the Interior, given his responsibilities for management of public land, trust responsibilities for Indians, administration of the reclamation program, investigations and reviews into ground water resources through the Geologic Survey, has the resources to assist in a comprehensive review, in consultation with appropriate officials from the nineteen Western States, into the problems and potential solutions facing the nineteen Western States and the Federal Government in the increasing competition for the scarce water resources of the Western States.

SEC. 3103. PRESIDENTIAL REVIEW.

(a) The President is directed to undertake a comprehensive review of Federal activities in the nineteen Western States which directly or indirectly affect the allocation and use of water resources, whether surface or subsurface, and to submit a report on the President's findings, together with recommendations, if any, to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Interior and Insular Affairs and Appropriations of the House of Representatives.

(b) Such report shall be submitted within five years from the date of enactment of this Act.

(c) In conducting the review and preparing the report, the President is directed to consult with the Advisory Commission established under section 3104 of this title, and may request the Secretary of the Interior or other Federal officials or the Commission to undertake such studies or other analyses as the President determines would assist in the review.

(d) The President shall consult periodically with the Commission, and upon the request of the President, the heads of other Federal agencies are directed to cooperate with and assist the Commission in its activities.

SEC. 3104. THE ADVISORY COMMISSION.

(a) The President shall appoint an Advisory Commission (hereafter in this title referred to as the "Commission") to assist in the preparation and review of the report required under this title.

(b) The Commission shall be composed of 18 members as follows:

(1) Ten members appointed by the President including—

(A) the Secretary of the Interior or his designee;

(B) at least one representative chosen from a list submitted by the Western Governors Association; and

(C) at least one representative chosen from a list submitted by tribal governments located in the Western States.

(2) In addition to the 10 members appointed by the President, the Chairmen and the Ranking Minority Members of the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Interior and Insular Affairs and Appropriations of the United States House of Representatives shall serve as ex officio members of the Commission.

(c) The President shall appoint one member of the Commission to serve as Chairman.

(d) Any vacancy which may occur on the Commission shall be filled in the same manner in which the original appointment was made.

(e) Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 3105. DUTIES OF THE COMMISSION.

The Commission shall—

(1) review present and anticipated water resource problems affecting the nineteen Western States, making such projections of water supply requirements as may be necessary and identifying alternative ways of meeting these requirements—giving considerations, among other things, to conservation and more efficient use of existing supplies, innovations to encourage the most beneficial use of water and recent technological advances;

(2) examine the current and proposed Federal programs affecting such States and recommend to the President whether they should be continued or adopted and, if so, how they should be managed for the next twenty years, including the possible reorganization or consolidation of the current water resources development and management agencies;

(3) review the problems of rural communities relating to water supply, portable water treatment, and wastewater treatment;

(4) review the need and opportunities for additional storage or other arrangements to augment existing water supplies including, but not limited to, conservation;

(5) review the history, use, and effectiveness of various institutional arrangements to address problems of water allocation, water quality, planning, flood control and other aspects of water development and use, including, but not limited to, interstate water compacts, Federal-State regional corporations, river basin commissions, the activities of the Water Resources Council, municipal and irrigation districts and other similar entities with specific attention to the authorities of the Bureau of Reclamation under reclamation law;

(6) review the legal regime governing the development and use of water and the respective roles of both the Federal Government and the States over the allocation and use of water, including an examination of riparian zones, appropriation and mixed systems, market transfers, administrative allocations, ground water management, interbasin transfers, recordation of rights, Federal-State relations including the various doctrines of Federal reserved water rights (including Indian water rights and the development in several States of the concept of a public trust doctrine); and

(7) review the activities, authorities, and responsibilities of the various Federal agencies with direct water resources management responsibility, including but not limited to the Bureau of Reclamation and those agencies whose deci-

sions would impact on water resource availability and allocation, including, but not limited to, the Federal Energy Regulatory Commission.

SEC. 3106. REPRESENTATIVES.

(a) The Chairman of the Commission shall invite the Governor of each Western State to designate a representative to work closely with the Commission and its staff in matters pertaining to this title;

(b) The Commission, at its discretion, may invite appropriate public or private interest groups including, but not limited to, Indian tribes and Tribal organizations to designate a representative to work closely with the Commission and its staff in matters pertaining to this title.

SEC. 3107. POWERS OF THE COMMISSION.

(a) The Commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it may deem advisable;

(2) use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States;

(3) enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out such aspects of the Commission's functions as the Commission determines can best be carried out in that manner; and

(4) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this title.

(b) Any member of the Commission is authorized to administer oaths when it is determined by a majority of the Commission that testimony shall be taken or evidence received under oath.

(c) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for level II of the Executive Schedule.

(1) With the approval of the Commission, the Director may appoint and fix the pay of such personnel as the Director considers appropriate but only to the extent that such personnel can not be obtained from the Secretary of the Interior or by detail from other Federal agencies. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

(d) The Secretary of the Interior shall provide such office space, furnishings and equipment as may be required to enable the Commission to perform its functions. The Secretary shall also furnish the Commission with such staff, including clerical support, as the Commission may require.

SEC. 3108. POWERS AND DUTIES OF THE CHAIRMAN.

(a) Subject to general policies adopted by the Commission, the Chairman shall be the chief executive of the Commission and shall exercise its executive and administrative powers as set forth in paragraphs (2) through (4) of section 3107(a).

(b) The Chairman may make such provisions as he shall deem appropriate authorizing the performance of any of his executive and administrative functions by the Director or other personnel of the Commission.

SEC. 3109. OTHER FEDERAL AGENCIES.

(a) The Commission shall, to the extent practicable, utilize the services of the Federal water resource agencies.

(b) Upon request of the Commission, the President may direct the head of any other Federal department or agency to assist the Commission and such head of any Federal department or agency is authorized—

(1) to furnish to the Commission, to the extent permitted by law and within the limits of available funds, including funds transferred for that purpose pursuant to section 3107(a)(7) of this title, such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and

(2) to detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(c) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the Secretary of the Interior.

SEC. 3110. APPROPRIATIONS.

There are hereby authorized to be appropriated not to exceed $10,000,000 to carry out the purposes of this title.

TITLE XXXII—MOUNTAIN PARK MASTER CONSERVANCY DISTRICT, OKLAHOMA

SEC. 3201. PAYMENT BY MOUNTAIN PARK MASTER CONSERVANCY DISTRICT.

(a) IN GENERAL.—The Secretary shall conduct appropriate investigations regarding, and is authorized to accept prepayment of, the repayment obligation of the District for the reimbursable construction costs of the project allocated to municipal and industrial water supply for the city, and, upon receipt of such prepayment, the District's obligation to the United States shall be reduced by the amount of such costs.

(b) PAYMENT AMOUNT.—Any prepayment made pursuant to subsection (a) shall realize an amount to the Federal Government calculated by discounting the remaining repayment obligation by the interest rate determined acccording to this section.

(c) INTEREST RATE.—The Secretary shall determine the interest rate in accordance with the guidelines set forth in Circular A–129 issued by the Office of Management and Budget concerning loan sales and prepayment of loans.

(d) INVESTIGATIONS.—In determining the interest rate, the Secretary—

(1) shall not equate an appropriate amount of prepayment with the price of the loan if it were to be sold on the open market to a third party, and

(2) shall, in following the guidelines set forth in Circular A–129 regarding an allowance for administrative expenses and possible losses, make such an allowance from the perspective of the Federal Government as lender and not from the perspective of a third party purchasing the loan on the open market.

(e) TAX-EXEMPT FINANCING.—If the borrower or purchaser of the loan has access to tax-exempt financing (including, but not limited to, tax-exempt bonds, tax-exempt cash reserves, and cash and loans of any kind from any tax-exempt entity) to finance the transaction, and if the Office of Management and Budget grants the Secretary the right to conduct such a transaction, then the interest rate by which the Secretary discounts the remaining payments due on the loan shall be adjusted by an amount that compensates the Federal Government for the direct or indirect loss of future tax revenues.

(f) LIMIT ON INTEREST RATE.—Notwithstanding any other provision in this title, the interest rate shall not exceed a composite interest rate consisting of the current market yield on Treasury securities of comparable maturities.

(g) APPROVAL.—The Secretary shall obtain approval from the Secretary of the Treasury and the Director of the Office of Management and Budget of the final terms of any prepayment made pursuant to this title.

(h) TERMINATION OF AUTHORITY.—The authority granted by this title to sell loans shall terminate two years after the date of enactment of this Act: Provided, That the borrower shall have at least 60 days to respond to any prepayment offer made by the Secretary.

(i) TITLE TO PROJECT FACILITIES.—Notwithstanding any payments made by the District pursuant to this section or pursuant to any contract with the Secretary, title to the project facilities shall remain with the United States.

(j) DEFINITIONS.—For the purposes of this section—

(1) the term "city" means the city of Frederick, Oklahoma; the city of Snyder, Oklahoma; or the city of Altus, Oklahoma;

(2) the term "District" means the Mountain Park Master Conservancy District of Mountain Park, Oklahoma; and

(3) the term "project" means the Mountain Park Project, Oklahoma.

SEC. 3202. RESCHEDULE OF REPAYMENT OBLIGATION.

(a) The Secretary shall conduct appropriate investigations regarding the ability of the District to meet its repayment obligation.

(b) If the Secretary finds that the District does not have the ability to pay its repayment obligation, then the Secretary shall offer the District a revised schedule of payments for purposes of meeting the repayment obligation of the District: Provided, That such schedule of payments shall—

(1) be consistent with the ability to pay of the District, and

(2) have the same discounted present value as the repayment obligation of the District.

(c) The Secretary shall conduct the investigations and make any offer of a revised schedule of payments pursuant to this section no later than 12 months after the date of enactment of this section.

TITLE XXXIII—SOUTH DAKOTA BIOLOGICAL DIVERSITY TRUST

SEC. 3301. SOUTH DAKOTA BIOLOGICAL DIVERSITY TRUST.

(a) The Secretary, subject to appropriations therefore and the provisions of subsection (d) of this section, shall make an annual Federal contribution to a South Dakota Biological Diversity Trust established in accordance with subsection (b) of this section and operated in accordance with subsection (c) of this section. Contributions from the State of South Dakota may be paid to the Trust in such amounts and in such manner as may be agreed upon by the Governor and the Secretary. The total Federal contribution pursuant to this section, including subsection (d), shall not exceed $12,000,000.

(b) A South Dakota Biological Diversity Trust shall be eligible to receive Federal contributions pursuant to subsection (a) of this section if it complies with each of the following requirements:

(1) The trust is established by non-Federal interests as a nonprofit corporation under the laws of South Dakota with its principal office in South Dakota.

(2) The trust is under the direction of a board of trustees which has the power to manage all affairs of the corporation, including administration, data collection, and implementation of the purposes of the trust.

(3) The board is comprised of five persons appointed as follows, each for a term of five years:

(A) 1 person appointed by the Governor of South Dakota;

(B) 1 person appointed by each United States Senator from South Dakota;

(C) 1 person appointed by the United States Representative from South Dakota; and

(D) 1 person appointed by the South Dakota Academy of Science.

(4) Vacancies on the board are filled in the manner in which the original appointments were made. Any member of the board is eligible for reappointment for successive terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed is appointed only for the remainder of such term. A member may serve after the expiration of his or her term until his or her successor has taken office. Members of the board shall serve without compensation.

(5) The Corporate purposes of the trust are to select and provide funding for projects that protect or restore the best examples of South Dakota's biological diversity, its rare species, exemplary examples of plant and animal communities and large-scale natural ecosystems.

(c) A South Dakota Biological Diversity Trust established by non-Federal interests as provided in subsection (b) shall be deemed to be operating in accordance with this subsection if, in the opinion of the Secretary, each of the following requirements are met:

(1) The trust is operated to select and provide funding for projects that protect or restore the best examples of South Dakota's biological diversity; its rare species, extraordinary examples of plant and animal communities and large-scale natural ecosystems in accordance with its corporate purpose.

(2) The trust is managed in a fiscally responsible fashion by investing in private and public financial vehicles with the goal of producing income and preserving principal. The principal will be inviolate, but income will be used to accomplish the goals of the trust.

(3) Proceeds from the trust are used for the following purposes:

(A) $10,000 per year or 5 percent of the total funds expended by the trust (whichever is larger) will be provided to the South Dakota Natural Heritage Program (currently as part of the South Dakota Game, Fish, and Parks Departments), in order to do the following:

(i) maintain and update the South Dakota Biodiversity Priority Site List;

(ii) conduct inventory to discover and survey new sites for the Priority Site List; and

(iii) manage data to maintain the Natural Heritage databases needed to produce and document the Priority Site List.

(B) Up to 5 percent of the costs of each project are used for preserve design or site planning to ensure that sites are selected for funding which are well-designed to maintain the long-term viability of the significant species and communities found at the site.

(C) Proceeds from the trust may be used to complete land protection projects designed to protect biological diversity.

(D) Projects may include acquisition of land, water rights or other partial interests from willing sellers only, or arranging management agreements, registry and other techniques to protect significant sites.

(E) Ownership of land acquired with trust proceeds will be held by the public agency or private nonprofit organization which proposed and completed the project, or another conservation owner with the approval of the board. The land will be managed and used for the protection of biological diversity. If the property is used or managed otherwise, title will revert to the trust for disposition.

(F) Projects eligible for funding must be included on the South Dakota Biodiversity Priority List and located within the borders of South Dakota.

(G) At the discretion of the board, trust proceeds may be used for direct project costs including direct expenses incurred during project completion. Land project funding may also include the creation of a stewardship endowment subject to the following terms:

(i) Up to 25 percent of the total fair market value of the project may be placed in a separate endowment.

(ii) The proceeds from the endowment will be used for the ongoing management costs of maintaining the biological integrity and viability of the significant biological features of the site.

(iii) Endowment funds may not be used for activities which primarily promote recreational or economic use of the site.

(iv) The endowment for each site will be held in a separate account from the body of the trust and other endowments. The endowments will be managed by the trust board but the owner or manager of the site may draw upon the proceeds of the stewardship endowment to fund management activities with approval of the board. Additional management funds may be secured from other public and private sources.

(H) Should the biological significance of a site be destroyed or greatly reduced, the land may be disposed of but the proceeds and any stewardship endowment will revert to the Trust for use in other projects.

(I) Proceeds from the trust may be used for management of public or private lands, including but not restricted to lands purchased with trust funds, except that only those management projects that result in the maintenance or restoration of statewide biological diversity are eligible for consideration.

(d) For each fiscal year after 1992, 2 percent of the Federal contributions for the same fiscal year, determined pursuant to subsection (a) of this section, shall be used by the Secretary in order to do the following:

(1) Restore damaged natural ecosystems on public lands and waterways affected by the Reclamation program outside South Dakota.

(2) Acquire from willing sellers only other lands and properties or appropriate interests therein outside South Dakota with restorable damaged natural ecosystems and restore such ecosystems.

(3) Provide jobs and suitable economic development in a manner that carries out the other purposes of this subsection.

(4) Provide expanded recreational opportunities; and

(5) Support and encourage research, training and education in methods and technologies of ecosystem restoration.

(e) In implementing subsection (d), the Secretary shall give priority to restoration and acquisition of lands and properties (or appropriate interests therein) where repair of compositional, structural and functional values will do the following:

(1) Reconstitute natural biological diversity that has been diminished.

(2) Assist the recovery of species populations, communities and ecosystems that are unable to survive on-site without intervention.

(3) Allow reintroduction and reoccupation by native flora and fauna.

(4) Control or eliminate exotic flora and fauna which are damaging natural ecosystems.

(5) Restore natural habitat for the recruitment and survival of fish, waterfowl and other wildlife.

(6) Provide additional conservation values to state and local government lands.

(7) Add to structural and compositional values of existing preserves or enhance the viability, defensibility and manageability of preserves.

(8) Restore natural hydrological effects including sediment and erosion control, drainage, percolation and other water quality improvement capacity.

(f) The Secretary shall annually report on activities under this section to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Interior and Insular Affairs and the Committee on Appropriations of the House of Representatives.

(g) There are authorized to be appropriated not to exceed $12,000,000 for the purposes of this title.

TITLE XXXIV—CENTRAL VALLEY PROJECT FISH AND WILDLIFE ACT

SEC. 3401. SHORT TITLE.

This title may be cited as the "Central Valley Project Fish and Wildlife Act of 1992."

SEC. 3402. STATEMENT OF PURPOSE.

The purposes of this title are—

(a) to protect, restore, and enhance fish and wildlife habitat in the Central Valley of California as specifically provided for within this title;

(b) to partially mitigate the impacts of the Central Valley Project on fish and wildlife habitat by requiring the implementation of specific habitat restoration actions;

(c) to provide for the continued orderly operation of the Central Valley Project by resolution of fish and wildlife issues impacts;

(d) to establish a joint Federal and state advisory committee to identify, develop and assist the Secretary of the Interior in the implementation of habitat restoration actions identified in this title and a Federal task force to assist the Secretary of the Interior in the identification and development of additional habitat restoration actions that would provide means by which the mitigation of Central Valley Project impacts on fish and wildlife habitat and cost effective protection, restoration, and enhancement of fish and wildlife habitat and resources in the Central Valley of California may be accomplished;

(e) to encourage, through cost sharing and other related actions, the cooperation and contribution by the State of California and other non-Central Valley Project entities toward the protection, restoration and enhancement of fish and wildlife habitat within the Central Valley of California;

(f) to increase the benefits provided by the Central Valley Project to California through the expanded use of water conservation and water transfers;

(g) to achieve the purposes of this title through implementation of projects, procedures and programs which do not result in further degradation of resources, including, but not limited to, groundwater, of the areas presently served by the Central Valley Project; and

(h) to coordinate the efforts and actions authorized in this title with other activities being undertaken within the State of California to ensure that work is not unnecessarily duplicated and is coordinated to minimize inconsistent and counter-productive results and maximize the benefits to be obtained.

SEC. 3403. DEFINITIONS.

As used in this title:

(a) The term "anadromous fisheries" includes runs of salmon, striped bass, steelhead trout, sturgeon, and American shad that ascend the Sacramento and San Joaquin Rivers and their tributaries and the Sacramento-San Joaquin Delta to reproduce after maturing in the San Francisco Bay and/or the ocean.

(b) The terms "artificial propagation" and "artificial production" include spawning, hatching, incubating, and rearing fish in a hatchery or other facility constructed for fish production.

(c) The term "Central Valley" means the watershed of the Sacramento and San Joaquin Rivers and their tributaries including the Sacramento-San Joaquin Delta.

(d) The term "Central Valley Project" means the Central Valley Project, California, as au-

thorized in the Act of August 26, 1937 (50 Stat. 850) and all acts amendatory thereto.

(e) The term "Central Valley Project Fish and Wildlife Advisory Committee" means the Committee established in section 3405 of this title.

(f) The term "Central Valley Project Fish and Wildlife Task Force" means the Task Force established in section 3406 of this title.

(g) The term "Central Valley Project Service Area" means that area where water service has been authorized pursuant to the various feasibility studies and consequent congressional authorizations for the Central Valley Project.

(h) The term "Central Valley Project water" means all water that is diverted, stored or delivered by the Bureau of Reclamation pursuant to water rights acquired pursuant to California law, including water made available under the so-called "exchange" and Sacramento River settlement contracts.

(i) The term "Central Valley Project Water Contractor" means any entity which contracts for Central Valley Project water.

(j) The term "Central Valley Project Water Contractors Fund" means the fund established in section 3404(h) of this title.

(k) The term "Central Valley Refuges" includes the Sacramento, Delevan, Colusa, Sutter, Kesterson, San Luis, Merced, Pixley, and Kern National Wildlife Refuges, the Grassland Resource Conservation District, the Gray Lodge, Los Banos, Volta, and Mendota State Wildlife Areas, and those National Wildlife Refuges and State Wildlife Areas identified in the Bureau of Reclamation's report entitled San Joaquin Basin Action Plan/Kesterson Mitigation Plan (1989).

(l) The term "critically overdrafted groundwater basin" means those areas defined by the California Department of Water Resources, in its Bulletin No. 118-80, to have a critical groundwater overdraft problem.

(m) The term "natural production" means fish produced to adulthood without the direct intervention of man in the spawning or rearing processes.

(n) The term "Refuge Water Supply Report" means the report entitled Report on Refuge Water Supply Investigations, published in March 1989 by the Bureau of Reclamation, Department of the Interior.

(o) The term "transfer" means—

(1) all conjunctive use programs that provide for the transfer of all or a portion of the surface water made available by the use of groundwater as a substitute supply to another water use;

(2) exchanges between water users;

(3) groundwater storage programs that provide for transfer of all or a portion of the stored water to another water user directly or through exchange;

(4) conservation programs that provide for all or a portion of the water conserved to be transferred to another water user; or

(5) purchase of water through fallowing programs that allow water to be moved from a Central Valley Project contractor to another water user on a short or long-term basis.

SEC. 3404. PROTECTION, RESTORATION, AND ENHANCEMENT OF CENTRAL VALLEY FISH AND WILDLIFE HABITAT.

(a) GENERAL AUTHORITY.—The Secretary shall—

(1) implement the actions established by section 3404(b);

(2) develop, select, and implement actions, using the criteria established in section 3404(e), that address the fish and wildlife habitat issues listed in section 3404(c);

(3) as provided in section 3405, establish a "Central Valley Project Fish and Wildlife Advisory Committee" that will make recommendations to the Secretary with respect to the actions set forth in section 3404(b) and 3404(c) using the criteria established in section 3404(e); and

(4) as provided in section 3406, establish a "Central Valley Project Fish and Wildlife Task Force" that will identify additional actions that would protect, restore, and enhance the Central Valley fish and wildlife habitat, develop the technical information needed to evaluate these actions, determine the economic and biological feasibility of these actions using the criteria established in section 3404(e), and report the findings to Congress for implementation authorization.

(b) INITIAL ACTION.—Subject to limitations contained in sections 3404(f)(6) and 3404(f)(7), the following fish and wildlife habitat protection, restoration, and enhancement actions shall be implemented by the Secretary.

(1) Negotiation and execution of an agreement with the California Department of Fish and Game by December 31, 1992, which, when implemented, will mitigate the direct fishery losses associated with the operation of the Tracy Pumping Plant. Direct losses are defined as fish lost after they enter the Tracy Pumping Plant intake channel, taking into account numbers of fish that survive and are returned to the Sacramento-San Joaquin Delta. The cost of this action shall be allocated under section 3404(f)(1).

(2) Negotiation and execution of an agreement with the California Department of Fish and Game by December 31, 1994, which, when implemented, will mitigate for direct fishery losses associated with the operation of the Contra Costa Canal Pumping Plant No. 1. Direct fishery losses are defined as fish lost after they enter Rock Slough. The cost of this action shall be allocated in the same manner as costs associated with the Contra Costa Canal are currently paid.

(3) Installation and operation of a structural temperature control device at Shasta Dam and development and implementation of modifications in Central Valley Project operations, if needed, by December 31, 1995, to allow for control of water temperatures in the upper Sacramento River from Keswick Dam to Red Bluff Diversion Dam sufficient to protect salmon. The cost of this action shall be allocated under section 3404(f)(1).

(4) The Coleman National Fish Hatchery shall be rehabilitated and expanded by implementing the United States Fish and Wildlife Service's Coleman National Fish Hatchery Development Plan by December 31, 1995. The Secretary shall negotiate and execute a contract for the operation of the hatchery by the California Department of Fish and Game. The contract shall provide that its operation shall be coordinated with all other mitigation hatcheries in California. In addition, the Keswick Dam Fish Trap shall be modified to provide for its operation at all project flow release levels. The cost of this action shall be allocated under section 3404(f)(1).

(5) The negotiation and execution of an agreement with the California Department of Fish and Game, within one year after the enactment of this Act, which, when implemented, will eliminate, to the extent practical, losses of salmon and steelhead trout due to flow fluctuations caused by the operation of Keswick, Nimbus, and Lewiston Regulating Dams. The agreement shall be patterned after the agreement between the California Department of Water Resources and the California Department of Fish and Game with respect to the operation of the California State Water Project Oroville Dam complex. Any costs associated with this Agreement shall be nonreimbursable.

(6) A gravel replenishment program shall be developed and implemented by December 31, 1993, for the purpose of restoring and replenishing, on a continuous basis, spawning gravel lost due to the construction and operation of Shasta, Folsom and New Melones Dams, bank protection programs, and other actions that have reduced the availability of spawning gravel in the upper Sacramento River from Keswick Dam to Red Bluff Diversion Dam, and in the American and Stanislaus Rivers downstream of Nimbus and Goodwin Dams, respectively. The cost of this action shall be allocated under section 3404(f)(2).

(7) A Delta Cross Channel monitoring and operational program shall be developed and implemented, within one year after the enactment of this Act, for the purpose of protecting striped bass eggs and larvae as they approach the Delta Cross Channel gates. This program includes, but is not limited to, closing the Delta Cross Channel gates during times when significant numbers of striped bass eggs and larvae approach the Sacramento River intake to the Delta Cross Channel. Since this action will, by its nature, also restrict pumping at the Tracy Pumping Plant, other restrictions on the operation of the Delta Tracy Pumping Plant, which may currently exist to protect striped bass eggs and larvae, shall be modified, relaxed or eliminated to comport with this action. The cost of this action shall be allocated under section 3404(f)(1).

(8) The Secretary shall, either directly or through an agreement with the State of California, provide dependable water supplies of suitable quality to the Central Valley Refuges in accordance with Level 2 quantity and delivery schedules of the "Dependable Water Supply Needs" table for that refuge, as set forth in the Refuge Water Supply Report or as established by the Secretary for the refuges identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report. If the Central Valley Project cannot deliver a full supply in any water year to the refuges and the Central Valley Project contractors, then the Secretary shall impose shortages on the Central Valley Project water provided the refuges that are equal to the shortages imposed on the non-water rights Central Valley Project agricultural contractors. The Secretary shall implement the actions authorized herein without a reduction in the pumping and/or conveyance capacity needed to serve other Central Valley Project purposes. The Secretary shall encourage the conjunctive use of surface water and groundwater and the multiple use of water supplies as a means to facilitate the purposes and intent of this subsection. The dependable water supplies provided to the Central Valley Refuges pursuant to this subsection shall be delivered until the firm water supplies provided for in section 3404(c)(13) are available to these refuges, and shall be provided pursuant to agreements between the Secretary, the California Department of Fish and Game, and the Grasslands Resource Conservation District which shall be executed within one year after the enactment of this Act. Fifty percent of the cost of providing water to private refuges shall be paid for by those private refuges. The remaining cost of this action shall be allocated under section 3404(f)(2).

(9) The Secretary, in coordination with the California Department of Fish and Game, shall, within one year after the enactment of this Act, establish a comprehensive assessment program to monitor fish and wildlife resources in the Central Valley and to assess the biological results of actions implemented pursuant to this section and section 3404(c). The cost of this action shall be allocated under section 3404(f)(2).

(c) HABITAT RESTORATION ACTIONS.—Subject to the limitations contained in sections 3404(f)(6) and 3404(f)(7), and utilizing the criteria in section 3404(e), the Secretary shall develop, evaluate, select, and, unless otherwise specifically provided, by December 31, 2000, implement actions that will address the following fish and wildlife protection, restoration and enhancement issues:

(1) The Secretary shall develop and implement a program to eliminate the need to reduce Keswick Dam releases every Spring to place the An-

derson-Cottonwood Irrigation District Diversion Dam into operation, and every Fall to take the Dam out of operation. Additionally, the program will include structural measures needed to address upstream migrating adult salmon passage problems at the Diversion Dam due to inadequate ladder attraction flows. The cost of this action shall be allocated under section 3404(f)(3).

(2) The Secretary shall develop and implement a program to minimize fish passage problems for salmon at the Central Valley Project Red Bluff Diversion Dam. The cost of this action shall be allocated under section 3404(f)(4).

(3) The Secretary shall develop and implement a program to augment natural production of salmon and steelhead trout population levels in the San Joaquin River system in above normal water years through means of artificial production. The cost of this action shall be allocated under section 3404(f)(2).

(4) The Secretary shall construct and operate a new satellite hatchery to augment the single and dual purpose channels at the Tehama Colusa Fish Facility and to further mitigate the impact of Shasta Dam on fishery resources. The new satellite hatchery shall be located at a suitable location upstream of the Red Bluff Diversion Dam. This new hatchery shall be operated by the California Department of Fish and Game under contract with the Secretary. The cost of this action shall be allocated under section 3404(f)(2).

(5) The Secretary shall construct a salmon and steelhead trout hatchery on the Yuba River. The Secretary shall negotiate and execute a contract with the California Department of Fish and Game to operate the hatchery. The objective of such hatchery is to assist in California's efforts to realize the full potential of salmon and steelhead trout natural production on that river and to assist in maintaining the existing runs of salmon and steelhead trout and create enhancement potential for natural production in above normal water years. The cost of this action shall be allocated under section 3404(f)(3).

(6) The Secretary shall negotiate and execute an agreement with the California Department of Fish and Game by December 31, 1993 that requires the release of the minimum flows necessary to take full advantage of the spawning, incubation, rearing and outmigration potential of the upper Sacramento River and the Lower American River for salmon subject to the physical capabilities of the Central Valley Project facilities involved. The Agreement shall provide for less than these minimum flows in dry and critical water years if the Secretary determines that in so doing the Secretary can minimize the impacts of providing the fishery flows on other Central Valley Project authorized purposes, provided the fishery benefits lost in those years are offset by enhancing spawning, incubation, rearing and outmigration conditions in other water years. The cost of this action shall be allocated under section 3404(f)(1). The Secretary is authorized to assist in the funding of biological studies, in cooperation with the California Department of Fish and Game and the California State Water Resources Control Board, focused on furthering the scientific understanding of the salmon fishery in these rivers and to provide the information needed to verify that the intended fishery benefits are being provided by the minimum fishery requirements in this agreement and to allow for adjustments to the flow requirements in the future, if needed. If the Secretary and the California Department of Fish and Game determine that the flow conditions in the upper Sacramento River and the lower American River provided by the Central Valley Project under this agreement are better than conditions that would have existed in the absence of the Central Valley Project facilities, the enhancement provided shall become credits to be provided Central Valley Project water and power contractors to offset future mitigation responsibilities identified pursuant to section 3404(d).

(7) The Administrator of the Environmental Protection Agency is directed to expedite and by no later than December 31, 1995, complete efforts to clean up mines causing intermittent releases of lethal concentrations of dissolved metals from the Spring Creek Debris Dam. In the interim, the Secretary shall provide water from Keswick Dam sufficient to dilute the Spring Creek Debris Dam discharges to concentration levels that allow survival of fish life below Keswick Dam except when the United States Corps of Engineers' flood control criteria for Shasta Dam limit that capability. The cost of this action, not including the cost of EPA actions, shall be allocated under section 3404(f)(3). If the Administrator of the Environmental Protection Agency fails to complete such efforts by December 31, 1995, all such costs shall be assumed by the Agency.

(8) The Secretary shall provide flows to allow sufficient spawning, incubation, rearing and outmigration conditions for salmon and steelhead trout from Whiskeytown Dam as determined by instream flow studies conducted by the California Department of Fish and Game after Clear Creek has been restored and a new fish ladder has been constructed at the McCormick-Saeltzer Dam. The cost of providing the required flows shall be allocated under section 3404(f)(1). Any Federal cost associated with the restoration of the Clear Creek or in the construction of a fish ladder at the McCormick-Saeltzer Dam shall be allocated under section 3404(f)(3).

(9) The Secretary is authorized to construct, in partnership with the State of California, a barrier at the head of Old River in the Sacramento-San Joaquin Delta, by December 31, 1995, to partially mitigate the impact of the Central Valley Project and State Water Project pumping plants in the south Sacramento-San Joaquin Delta on the survival of young outmigrating salmon that are diverted from the San Joaquin River to the pumps. The cost of constructing, operating and maintaining the barrier shall be shared 50 percent by the State of California and 50 percent by the Federal government. The Federal share shall be allocated under section 3404(f)(1).

(10) The Secretary shall evaluate and implement a program to correct a defective fish screen at the Glenn-Colusa Irrigation District's Sacramento River diversion which was constructed with Federal and state funding and which does not function due to design errors. The cost of this action shall be allocated under section 3404(f)(3).

(11) The Secretary shall assist in the funding, in coordination with the California Department of Fish and Game, of enforcement measures that will reduce the numbers of striped bass illegally taken from the San Francisco Bay Estuary. The cost of this action shall be allocated under section 3404(f)(3).

(12) The Secretary shall provide such assistance as may be requested by the State of California to develop and implement fishing regulations that will protect the older more productive striped bass females in order to maintain a viable reproducing striped bass population.

(13) The Secretary shall develop and implement measures that will provide additional dependable water supplies of suitable quality. The conveyance capacity needed to deliver this water and associated refuge facilities to permit full habitat development of the Central Valley Refuges and the water provided shall be up to the level 4 quantity and delivery schedules in the "Dependable Water Supply Needs" table as set forth in the Refuge Water Supply Report or as established by the Secretary for the refuges identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report. Water for this purpose shall be provided by: (1) the Secretary providing Central Valley Project water supply on a firm basis equal to the amount currently delivered by the Central Valley Project on a nonfirm basis, provided that if the Central Valley Project cannot deliver a full supply in any water year to the refuges and the Central Valley Project contractors, then shortages shall be imposed on the Central Valley Project water provided the refuges that are equal to the shortages imposed on the non-water rights Central Valley Project agricultural contractors; (2) voluntary water conservation or conjunctive use purchases provided the surface water being made available through conjunctive use does not come from an area in a critically overdrafted groundwater condition and the conserved water being purchased would not be available to another user of Central Valley surface or groundwater in the absence of the water conservation purchase; and (3) voluntary water purchases from existing Central Valley Project water contractors provided the water being purchased would have been consumptively used in the absence of the specific water purchase. Neither additional Central Valley Project water shall be made available for this purpose nor should any Central Valley Project conveyance capacity be made available for this purpose if that conveyance capacity is needed to convey water to existing Central Valley Project water contractors. Fifty percent of the cost of providing water to private refuges shall be paid by those private refuges. The remaining cost of this action shall be allocated under section 3404(f)(3).

(d) ADDITIONAL HABITAT RESTORATION ACTIONS.—Subject to the limitations contained in sections 3404(f)(6) and 3404(f)(7) and utilizing the criteria in section 3404(e), the Central Valley Project Fish and Wildlife Task Force established in section 3406 of this title shall identify additional actions that would provide mitigation of Central Valley Project impacts on Central Valley fish and wildlife habitat and would protect, restore, and enhance Central Valley fish and wildlife habitat. The task force shall develop the information needed to evaluate these actions technically, determine the economic and biological feasibility using the criteria established in section 3404(e), determine appropriate cost allocations specific to each action, and select actions to recommend to Congress for authorization to implement. The task force shall make its first report to Congress no later than December 31, 1995, and shall report every five years thereafter, at a minimum, until the year 2010, when the task force shall cease to exist. Fish and wildlife habitat issues to be evaluated by the task force shall include, but not be limited, to the following:

(1) Determination of the flows and habitat restoration measures needed to protect, restore and enhance salmon and steelhead trout in the San Joaquin River below the confluence with the Merced River, Mokelumne River, and Calaveras River and in the Butte, Deer, Mill, and Battle Creeks, which are tributary to the Sacramento River, and development of feasible means of maintaining those flows and implementing the habitat restoration measures identified.

(2) Investigation of actions allowing closure or screening of the Delta Cross Channel and Georgiana Slough to prevent the diversion of outmigrating salmon and steelhead trout through those facilities.

(3) Investigation of the need to expand existing wildlife refuges and/or develop additional wildlife refuges in the Central Valley beyond

what is included in the Refuge Water Supply Report. The task force shall also determine the water supply and delivery requirements, above level 4, necessary to permit full habitat development of existing wildlife refuges and determine feasible means of meeting that water supply requirement.

(4) Investigation of alternative means of improving the reliability of water supplies currently available to privately owned wetlands in the Central Valley.

(5) As a means of increasing survival of migrating young fish, investigation of the feasibility of using short pulses of increased water flows to move salmon, steelhead trout, and striped bass into and through the Sacramento-San Joaquin Delta.

(6) Investigation of ways to maintain suitable temperatures for young salmon survival in the lower Sacramento River and in the Sacramento-San Joaquin Delta by controlling or relocating the discharge of irrigation return flows and sewage effluent.

(7) Investigation of the need for additional hatchery production to mitigate the impacts of water development on Central Valley fisheries where no other feasible means of mitigation is available or where hatchery production would enhance efforts to increase natural production of a particular species.

(8) Investigation of measures available to correct flow pattern problems in the Sacramento-San Joaquin Delta created by the operation of the Central Valley Project and the California State Water Project as well as San Francisco Bay inflow pattern changes caused by the operation of water development projects in the Central Valley.

(9) Evaluation of measures to avoid unquantified losses of juvenile anadromous fish due to unscreened or inadequately screened diversions on the Sacramento and San Joaquin Rivers, their tributaries, and in the Sacramento-San Joaquin Delta such as construction of screens on unscreened diversions, rehabilitation of existing screens, replacement of existing nonfunctioning screens, and relocation of diversions to less fishery-sensitive areas.

(10) Elimination of barriers to upstream migration of salmon and steelhead trout adults to spawning areas downstream of existing storage facilities in the Central Valley caused by agriculture diversions and other obstructions reduce the natural production of these species as well as removal programs or programs for the construction of new fish ladder.

(e) SOCIAL, ECONOMIC AND BIOLOGICAL CONSIDERATIONS.—In fulfilling their responsibilities as specified in sections 3404(c) and 3404(d), the Secretary, the Central Valley Project Fish and Wildlife Advisory Committee, and the Central Valley Project Fish and Wildlife Task Force shall consider the following criteria and factors, and issue findings thereon, when determining which alternate programs, policies or procedures should be implemented to protect, restore and/or enhance fish and wildlife conditions. The alternative programs available to implement specific actions in sections 3404(c) and 3404(d) that best meets all of the following criteria shall be selected:

(1) Natural production alternatives shall be given priority over artificial production alternatives.

(2) Alternatives that have the highest biological probability of achieving the desired objective shall be preferred.

(3) Alternatives that provide a greater magnitude of potential benefits shall be given priority over alternatives which have a lesser magnitude of potential benefits.

(4) Alternatives that are determined to be the most cost effective, measured in economic terms considering impacts within the Central Valley Project service area's water and power resources and related industries.

(f) COST ALLOCATIONS.—The fiscal cost of implementing actions listed in section 3404(b) and selected pursuant to section 3404(c) shall be allocated as follows:

(1) Costs specified within sections 3404(b) and 3404(c) as allocated under this subsection shall be first allocated among Central Valley Project purposes, with reimbursable costs then allocated between Central Valley Project water and power contractors pursuant to applicable statutory and regulatory procedures and assessed pursuant to the provisions of section 3404(h) of this title.

(2) Costs specified within sections 3404(b) and 3404(c) as allocable under this subsection shall be allocated 37.5 percent to the Central Valley Project, 37.5 percent as a nonreimbursable Federal expenditure, and 25 percent payable by the State of California. Central Valley Project costs shall be first allocated among Central Valley Project purposes with reimbursable costs, then allocated between Central Valley Project water and power contractors and assessed pursuant to the provisions of section 3404(h) of this title. Central Valley Project costs determined to be nonreimbursable shall be added to the nonreimbursable Federal expenditure.

(3) Costs specified within sections 3404(b) and 3404(c) as allocable under this subsection shall be allocated 50 percent as a Federal nonreimbursable cost and 50 percent to the State of California.

(4) Costs associated with actions that are determined to be a Central Valley Project responsibility under sections 3404(f)(1) and 3404(f)(2) that pay for the replacement of existing Central Valley Project facilities that have not properly mitigated the effects of the Central Valley Project on the environment because of design errors by Federal agencies, shall be allocated as a Federal nonreimbursable cost.

(5) Central Valley Project power shall be used to supply the capacity and energy needs of actions identified in sections 3404(b) and 3404(c) where the costs or a portion of the costs have been allocated to the Central Valley Project as a reimbursable cost pursuant to subsections (1) and (2) of this section. The value of the Central Valley Project power, calculated as the cost of obtaining dependable power from other available sources, shall be credited against the Central Valley Project power contractors' share of the cost of actions that are mitigating the effects of the Central Valley Project and the effects of others on Central Valley fish and wildlife habitat as determined pursuant to section 3404(f)(2).

(6) Notwithstanding any other provisions of this title, the Secretary shall not undertake any action authorized herein unless the State of California makes appropriate commitments to participate in the actions identified in this title, provides relevant state approvals for identified actions, and agrees to participate in the cost sharing provisions of this title. Where local agency action or appoval is required within this title, the Secretary shall not proceed unless that local agency approval or participation is secured: Provided, however, That nothing herein is intended to require Central Valley Project water or power contractors' approval or participation as a condition on the Secretary's ability to proceed with the mandated actions.

(7) Notwithstanding any other provisions of this title, no actions authorized in this title shall be implemented unless such actions are consistent with State water law and will not constitute an unreasonable use of water as that term is used within article X, section 2, of the Constitution of the State of California.

(g) ADDITIONAL AUTHORITIES.—

(1) The Secretary is authorized to promulgate such regulations and enter into such agreements as may be necessary to implement the purposes and provisions of this title.

(2) In order to carry out the purposes and provisions of section 3404(c)(12), the Secretary is authorized, consistent with State law, to obtain water supplies from any source available to the Secretary: Provided, That such acquisition shall be pursuant to State law and any purchases shall be from willing sellers only. The Secretary, however, except as specifically provided herein, shall not diminish water supplies available to Central Valley Project contractors without compensation.

(3) The Secretary shall determine and implement the actions mandated by sections 3404(b) and 3404(c) in the most efficient and cost effective means available. Should the Secretary determine that the State of California or a local agency of the State of California is best able to implement an action authorized by this title, the Secretary shall negotiate with the State of California or a local agency of the State of California an agreement which would allow the State of California or a local agency of the State of California to undertake the identified action. In the event no such agreement can be negotiated, the Secretary shall proceed to implement the action through means available to him.

(4) The Secretary is hereby authorized and directed as an integral part of this title, to initiate studies of any and all facilities that would assist in fully meeting the fish and wildlife purposes of this title. The Secretary shall, for each facility identified, also study the feasibility of these facilities for other purposes, including, but not limited to, water and power supplies. Cost allocations for identified multiple purpose facilities should be in accordance with the allocation of water developed or conveyed or otherwise made available by those facilities.

(h) FUNDING.—

(1) AUTHORIZATON.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of this title. Funds appropriated under this section are authorized to remain available until expended.

(2) CENTRAL VALLEY PROJECT WATER CONTRACTORS REPAYMENT.—The amount to be repaid by water contractors under sections 3404(f)(1) and 3404(f)(2) of this title shall be collected as follows:

(i) Notwithstanding the provisions of section 105 of Public Law 99-546, the amount to be repaid by the Central Valley Project water contractors under sections 3404(f)(1) and 3404(f)(2) shall be capitalized for a period necessary to ensure repayment, consistent with the provisions of subsection 3404(h)(ii).

(ii) Annual payment of the capitalized costs to be repaid by the Central Valley Project water contractors under sections 3404(f)(1) and 3404(f)(2) shall not exceed $1.00 an acre-foot for each acre-foot of water delivered under contract to such contractors.

(iii) The annual payments set forth in subsection 3404(h)(ii), together with interest thereon, shall be placed into a Central Valley Project Water Contractors Fund to be established by the Secretary. The first assessment shall be collected as part of water charges during the first water year which commences at least ninety days after enactment of this Act. The Central Valley Project Water Contractors Fund shall be utilized exclusively to repay costs of Central Valley Project water contractors incurred under sections 3404(f)(1) and 101(f)(2). The Secretary is authorized to use the funds within the Central Valley Project Water Contractors Fund, for these purposes, without further authorization, but subject to appropriation.

(iv) The provisions of this subsection 3404(h)(2)(i) shall apply only to Central Valley Project water delivered to Central Valley water contractors for water delivered under contract

with the Bureau of Reclamation pursuant to which additional payments for such water are required.

(3) CENTRAL VALLEY PROJECT POWER CONTRACTORS REPAYMENT.—The amount to be repaid by Central Valley Project power contractors, pursuant to sections 3404(f)(1) and 3404(f)(2), shall be collected by the Secretary in accordance with existing law, policy, and practices for the repayment, by Central Valley Project power contractors, of operation and maintenance and capital costs allocated to those power contractors.

(4) COST SHARING.—The State of California and other parties identified in sections 3404(f)(2) and 3404(f)(3) shall pay an amount equal to the amount allocated within those sections each year. In addition to cost outlays or payments to the Treasury of the United States, the Secretary may consider as a financial contribution by the State of California, Central Valley Project contractors, or other parties identified in sections 3404(f)(2) and 3404(f)(3) the value of contributions of personal or real property or personnel which the Secretary determines is beneficial to the achievement of the objectives of this title. Such contributions may include the provisions of water or water conveyance capacity to meet the requirements of this title.

(5) REMAINING COSTS.—The remaining costs shall be considered nonreimbursable costs as a Federal contribution for preserving, protecting, restoring and enhancing fish and wildlife resources within the Central Valley of California.

SEC. 3405. ESTABLISHMENT OF THE CENTRAL VALLEY PROJECT FISH AND WILDLIFE ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—In order to carry out the purposes of section 3404 of this title, there is hereby established the Central Valley Project Fish and Wildlife Advisory Committee (hereinafter referred to as the "Committee").

(b) FUNCTIONS.—The Central Valley Project Fish and Wildlife Advisory Committee shall make recommendations to the Secretary with respect to the actions set forth in sections 3404(b) and 3404(c). Such recommendations shall be strictly advisory in nature and shall not be binding on the Secretary.

(c) MEMBERSHIPS AND APPOINTMENTS.—The Central Valley Project Fish and Wildlife Advisory Committee shall be composed of the Secretary and the California Secretary of Resources and 21 additional members appointed jointly by them, as follows:

(1) A nonfishery representative of the Upper Sacramento River Fisheries Task Force.

(2) A representative of the California commercial salmon fishing industry.

(3) A representative of the California sports fishing interests.

(4) A representative of the California Department of Fish and Game.

(5) A representative of the California Department of Water Resources.

(6) A representative of the California State Water Resources Control Board.

(7) A representative of the United States Bureau of Reclamation.

(8) A representative of the United States Fish and Wildlife Service.

(9) A representative of the United States Bureau of Land Management.

(10) A representative of the United States National Marine Fisheries Service.

(11) A representative of the United States Army Corps of Engineers.

(12) A representative of the Western Area Power Administration.

(13) A representative of California wildlife interests.

(14) A representative of the Central Valley Project agriculture contractors.

(15) A representative of the Central Valley Project urban contractors.

(16) A representative of the State Water Project agriculture contractors.

(17) A representative of the State Water Project urban contractors.

(18) A representative of environmental interests in California.

(19) A representative of the Central Valley Project power users.

(20) A representative of agriculture who does not receive water pursuant to a Central Valley Project or State Water Project contract.

(21) A representative of urban water users who does not receive water pursuant to a Central Valley Project or State Water Project contract.

(d) TERMS AND VACANCIES.—

(1) The term of a member of the Committee shall be for the life of the Committee.

(2) Any vacancy on the Committee shall be filled through appointment jointly by the Secretary and the California Secretary of Resources.

(e) TRANSACTION OF BUSINESS.—

(1) CHAIRMEN.—The Committee shall be cochaired by the Secretary and the California Secretary of Resources.

(2) MEETINGS.—Except as provided in paragraph (3), the Committee shall meet at the call of the Chairmen or upon the request of a majority of its members.

(3) RECOMMENDATIONS OF THE COMMITTEE.—All recommendations of the Committee shall be through a two-thirds majority vote.

(f) STAFF AND ADMINISTRATION.—

(1) ADMINISTRATION SUPPORT.—The Secretary, in cooperation with the State of California, shall provide the Committee with necessary administrative and technical support services.

(2) INFORMATION.—The Secretary, in cooperation with the State of California and to the extent practicable, shall furnish the members of the Committee with all information and other assistance relevant to the functions of the Committee.

(3) ORGANIZATION.—The Committee shall determine its organization and prescribe the practices and procedures for carrying out its functions under subsection (b). The Committee may establish committees or working groups of technical representatives of Committee members to advise the Committee on specific matters.

(g) MEMBERS WHO ARE FEDERAL OR STATE EMPLOYEES.—Any Committee member who is appointed to the Committee by reason of his employment as an officer or employee of the United States or the State of California shall cease to be a member of the Committee on the date on which that member ceases to be so employed.

(h) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of service for the Committee members and their technical representatives shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in government service are allowed travel expenses under section 5703 of title 5, United States Code. Any Committee member or technical representative who is an employee of an agency or governmental unit of the United States or the State of California and is eligible for travel expenses from that agency or unit for performing services for the Committee shall not be eligible for travel expenses under this paragraph.

(i) COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Committee and technical representatives who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Committee.

(j) TERMINATION.—The Central Valley Project Fish and Wildlife Advisory Committee shall cease to exist on December 31, 2010.

SEC. 3406. ESTABLISHMENT OF CENTRAL VALLEY PROJECT FISH AND WILDLIFE TASK FORCE.

(a) ESTABLISHMENT.—The Secretary shall, within 30 days after enactment of this title, establish a Task Force to review, evaluate and make recommendations with respect to matters identified; and in the manner provided for in section 3404(d) of this title. A minority report may be submitted if consensus recommendations cannot be achieved on any matter studied or reported on by the Task Force.

(b) SELECTION OF TASK FORCE MEMBERS.—The Task Force shall be comprised of fifteen members. The Secretary shall select the members of the Task Force as follows:

(1) The Secretary shall include on the Task Force six members recommended by the Governor of the State of California.

(2) The Secretary shall include on the Task Force three members recommended by each of the following:

(i) Chairman of the Senate Committee on Energy and Natural Resources; and

(ii) Chairman of the House of Representatives Committee on Interior and Insular Affairs.

(3) The Secretary shall also include on the Task Force three members of his own selection.

(4) With respect to the recommendations and selections set forth in sections 3406(b)(1), 3406(b)(2) and 3406(b)(3), the Task Force shall be comprised of, but not limited to—

(i) members of the general public;

(ii) representatives of the Central Valley Project Water Contractors;

(iii) representatives of the State Water Project Contractors;

(iv) representatives of the Central Valley Project power contractors;

(v) representatives of other affected water and irrigation organizations and entities; and

(vi) representatives of fish and wildlife organizations.

(c) ORGANIZATION AND OPERATION OF THE TASK FORCE.—The Secretary shall appoint a Task Force Chairman who will set the dates of hearings, meetings, workshops and other official Task Force functions in carrying out the purposes of this title. The Secretary is authorized and directed to finance from funds available to the Secretary the reasonable costs and expenses of the Task Force and its members in carrying out the mandate of this section. This shall include all reasonable travel and related expenses. The Task Force shall dissolve on December 31, 2010.

SEC. 3407. PROVISIONS FOR TRANSFER OF CENTRAL VALLEY PROJECT WATER.

(a) TRANSFERS WITHIN THE CENTRAL VALLEY PROJECT SERVICE AREA.—Subject to the provisions of section 3407(f), the Secretary is authorized to approve all transfer agreements among Central Valley Project contractors and between Central Valley Project contractors and noncontractors involving Central Valley Project water within the authorized Central Valley Project service area.

(b) TRANSFERS WHICH RESULT IN NO NET EXPORT OF WATER OUTSIDE THE CENTRAL VALLEY PROJECT SERVICE AREA.—Subject to the provisions of section 3407(f), the Secretary is authorized to approve all transfer agreements between Central Valley Project contractors and parties outside of the Central Valley Project service area upon the determination that as a result of the proposed transaction over the term of the transfer agreement there is no net export of water out of the Central Valley Project service area of the transferor.

(c) TRANSFERS WHICH RESULT IN A NET EXPORT OF WATER OUTSIDE THE CENTRAL VALLEY PROJECT SERVICE AREA.—Except for transactions authorized under sections 3407(d) and 3407(e) and subject to the provisions of section 3407(f), the Secretary is authorized to approve

all transfer between Central Valley Project water contractors and parties outside of the Central Valley Project service area where the Secretary determines that as a result of the proposed transaction over the term of transfer agreement there will be a net export of water out of the service area of the transferor, provided that the transfer meets the following conditions:

(1) The water being transferred would not otherwise be available to other consumptive beneficial uses absent implementation of the program; and

(2) Over the term of the agreement in question, the transfer will have no significant, long-term, adverse impact on groundwater conditions in the transferor's service area.

(d) TRANSFERS OF WATER DEVELOPED THROUGH TEMPORARY FALLOWING OR PERMANENT LAND FALLOWING.—Subject to the provisions of section 3407(f), the Secretary is authorized and directed to approve transfers of Central Valley Project water within or outside of the authorized Central Valley Project service area where the water to be transferred is available for transfer because of the implementation, by the transferor or landowner, of a temporary fallowing or permanent land fallowing program, including land retirement, provided that the involved Central Valley Project water contractor determines that the following conditions are satisfied:

(1) The program will have no significant long-term adverse impact on groundwater conditions.

(2) The water developed under the program shall be that water that would have been consumptively used on crops had those crops been produced during the year(s) of the transfer or water that would have otherwise been lost for beneficial use (i.e. wet water).

(3) No more than 80 percent of the water developed under such transfer shall be made available for export out of the transferor's service area with 10 percent distributed within the transferor's service area to assist in the protection of groundwater resources and 10 percent applied to fish and wildlife purposes within the Central Valley Project service area pursuant to a program approved by the Secretary.

(4) In order to avoid adverse third party impacts the total quantity of water exported under all such transfers by the transferor or landowner shall not exceed 20 percent of the total annual water supply delivered by the Central Valley Project that otherwise would have been available in any particular year for use within the service area of the transferor or 3,000 acre-feet, whichever is greater.

(5) The program will have no unreasonable impacts on water supply, operations or financial condition of the water contractor or its water users.

(e) TRANSFERS OUTSIDE OF THE CENTRAL VALLEY PROJECT SERVICE AREA DURING CERTAIN CRITICAL YEARS.—Notwithstanding the provisions of sections 3407(c) and 3407(d) and subject to the provisions of section 3407(f), the Secretary is authorized to approve both long-term and short-term contracts for the transfer of Central Valley Project water outside of the Central Valley Project service area during dry and critically dry years, as determined by the California Department of Water Resources, where the water is to be transferred to a water district or other public agency which the Secretary determines, in the absence of the transfer, would have been required, after the imposition of water conservation measures, to impose a twenty-five percent or greater deficiency on its customers.

(f) GENERAL PROVISIONS.—The following provisions shall also apply to any transfer:

(1) No program and/or agreements authorized under this title shall be approved unless the action is between a willing buyer and a willing seller under such terms and conditions as may be mutually agreed upon;

(2) No program and/or agreements authorized under this title shall be approved unless the proposed action is consistent with State law including, but not limited to, the provisions of the California Environmental Quality Act.

(3) All programs and/or agreements authorized under this title involving Central Valley Project water, shall be deemed a beneficial use of water by the transferor.

(4) All programs and/or agreements authorized under this title must include a Central Valley Project water contractor as a transferor and as a contracting party. The criteria established within section 3407(d) are intended to govern the exercise of a Central Valley Project water contractor's approval of a transfer proposed by a landowner within the service area of the Central Valley Project water contractor. The provisions of this title are only intended to govern the transfer of Central Valley Project water.

(5) Notwithstanding any contrary provisions contained within Central Valley Project water contracts, in implementing programs and/or agreements authorized under this title, there shall be no limitations on the use of agricultural water for municipal and industrial purposes or municipal and industrial water for agricultural purposes. All transferees of Central Valley Project water shall strictly comply with acreage and pricing requirements of reclamation law applicable to the actual use of Central Valley Project water by the transferee, rates for the applicable uses of water by the transferee shall apply to the transferee during the year or years of actual transfer and shall not be applied to the transferor.

(6) All agreements entered into pursuant to this title between Central Valley Project water contractor and entities outside of the Central Valley Project service area shall be subject to a right of first refusal on the same terms and conditions by entities within the Central Valley Project service area. The right of first refusal must be exercised within ninety days from the date that notice is provided of the proposed transfer. Should an entity exercise the right of first refusal, it must compensate the transferee who had negotiated the agreement upon which the right of first refusal is being exercised for that entity's full costs associated with the development and negotiation of the agreement.

(7) Agreements entered into pursuant to this title shall not be considered as conferring new, supplemental or additional benefits, and shall not be otherwise subject to the provisions of section 203 of Public Law 97-293 (43 U.S.C. 390(cc)).

(8) No programs and/or agreements authorized under this title shall be approved unless the Secretary has determined that the action will have no adverse effect on the Secretary's ability to deliver water pursuant to the Secretary's Central Valley Project contractual obligations because of limitations in conveyance or pumping capacity.

(g) THE ESTABLISHMENT OF CENTRAL VALLEY PROJECT WATER CONTRACT TRANSFER SECURITY AND CERTAINTY.—

(1) All existing and future contracts for Central Valley Project water shall be deemed to allow for the transfers and exchanges provided for within this section.

(2) In order to encourage and aid in the transfer and exchange of water, as provided for within this title, all Central Valley Project contractors who are parties to a long-term transfer or exchange contract shall be entitled to renew its water contract for, at a minimum, a term equal to the remaining term of the transfer or exchange agreement at the time that the underlying contract is to be renewed.

(3) All agreements entered into under sections 3407(b)-(e) of this title shall provide that, during the year(s) of actual transfer, Central Valley Project water subject to transfer shall be repaid at "full cost" as that term is defined at 43 U.S.C. 390(bb).

SEC. 3408. AGRICULTURAL WATER CONSERVATION FEASIBILITY STUDIES.

(a) GENERAL.—The objective of this section is to encourage implementation of financially feasible water conservation practices. Water conservation practices include those practices which make water available that would not otherwise have been available to Central Valley streams or which do not worsen groundwater conditions. Water conservation, for the purposes of this title, does not include land fallowing.

(b) WATER CONSERVATION FEASIBILITY STUDIES.—All existing Central Valley Project agricultural contractors shall submit a report to the Secretary which identifies water conservation practices within two years after enactment of this Act. For such practices identified, the report shall analyze the cost and benefits to that entity and its customers of implementing each of the water conservation practices listed in this section, to the extent they apply to that entity, and any additional practices the Secretary determines should be analyzed.

(1) Water management:

(i) monitoring water supplies, deliveries and accounting;

(ii) providing farmers with crop evapotranspiration information; and providing scheduling procedures for ordering water which correspond with demand for irrigation water to the extent practical;

(iii) monitoring of surface water qualities and quantities;

(iv) monitoring of groundwater elevations and quality; and

(v) monitoring of quantity and quality of drainage waters within facilities the district owns or controls.

(2) District facility improvements:

(i) improving the maintenance or upgrading of water measuring devices;

(ii) automating canal structures;

(iii) lining or piping ditches and canals;

(iv) modifying distribution facilities to increase water delivery flexibility;

(v) constructing or lining regulatory reservoirs;

(vi) developing recharge basins, implementing in lieu recharge programs or other means of recharging groundwater basins when adequate supplies are available; and

(vii) evaluating and improving pump efficiencies of district pumping facilities.

(3) District institutional adjustments:

(i) improving communications and cooperation among districts, farmers and other agencies;

(ii) adjusting the water fee structure to provide incentives for efficient use of water and to reduce drainage discharges;

(iii) increasing flexibility in the ordering and timing of deliveries to meet crop demands; and

(iv) increasing conjunctive use of groundwater and surface water.

(4) District water user water management programs:

(i) assisting the facilitation of the financing of physical improvements for district and on-farm irrigation systems;

(ii) providing educational seminars for staff and farmers; and conducting public information programs, which seminars and programs shall address the following subjects, to the extent applicable to the area; and

(A) improving existing on-farm and district-wide irrigation efficiency;

(B) monitoring of soil moisture and salinity;

(C) promoting of efficient pre-irrigation techniques;

(D) promoting of on-farm irrigation system evaluations;

(E) constructing tail-water deliveries;
(F) improving on-farm irrigation and drainage systems; and
(G) evaluating and improving water user pump efficiencies.
(iii) providing water users with crop evapotranspiration data and information.

(c) BENEFITS AND COSTS.—The benefits and costs of implementation of specific water conservation practices shall be evaluated through analysis of, but not limited to, the impact on the following:
(1) water usage;
(2) electrical energy usage;
(3) labor and equipment required, including costs of training personnel;
(4) crop yields;
(5) reduction of increase in drainage related problems;
(6) fish and wildlife habitat conditions;
(7) costs of construction;
(8) costs of operation and maintenance;
(9) costs of water information programs; and
(10) costs of computer equipment and software.

SEC. 3409. IMPLEMENTATION.

(a) AGRICULTURAL CONTRACT WATER CONSERVATION REQUIREMENTS.—All Central Valley Project agricultural contractors shall develop a plan for implementation of water conservation practices determined by the entity within the water conservation report required under section 3408 of this title to be financially and otherwise feasible for the specific entity. The entity shall complete the plan for implementation within one year after completion of the report required in section 3408. Financially feasible conservation practices which will cause environmental harm, including, but not limited to, adversely affecting groundwater conditions, or are inconsistent with other requirements of law, shall not be required to be implemented.

(b) ON-FARM WATER CONSERVATION INCENTIVE PROGRAM.—There is hereby established a Water Conservation Incentive Program, which shall be administered by the Secretary to encourage and assist with the on-farm implementation of the water conservation practices set forth in section 3408(b)(4). Said program shall be a Guarantee Loan Program, and the Secretary may enter into a Memorandum of Understanding with the Secretary of Agriculture to administer such program in conjunction with other programs offered through the United States Department of Agriculture.

(c) MUNICIPAL AND INDUSTRIAL CONTRACT WATER CONSERVATION REQUIREMENTS.—The Secretary shall require all Central Valley Project municipal and industrial water users, to the extent they provide retail, municipal and industrial water service, to comply with the provisions of the September 19, 1991, Memorandum of Understanding regarding Urban Water Conservation in California.

(d) SECRETARIAL REVIEW.—The Secretary shall evaluate the benefits and cost analysis for each of the water conservation practices found by the specific water user preparing the water conservation reports required by section 3408 of this title to be not feasible and determine the following:

(1) Which water conservation practices, if implemented, would make additional water available to Central Valley streams or to a usable groundwater basin that would not otherwise be available in the absence of implementation of the water conservation practice.

(2) For each water conservation practice identified in section 3409(d)(1), the benefit/cost ratio of implementing that water conservation practice if that water were used to fulfill wildlife refuge water supply obligations established by this title; or made available to other water agencies through the transfer provisions established by this title.

(e) WATER CONSERVATION PRACTICES.—The Secretary may implement those water conservation practices identified which conserve water, are economically feasible, and which the Secretary determines are prudent, through implementation of the identified water conservation practice with the entity holding the contractual right to the water conserved and then making that water available for use by Central Valley refuges as required by provisions of this title, provided that an agreement is entered into between the entity and Secretary that ensures the entity and its water users are not damaged by such measures, including, but not limited to, increasing cost to the entity or its water users or interferes with the ability of the entity water users to produce crops.

The Secretary shall fund the implementation of a specific water conservation practice in exchange for the use of the saved water. If the Secretary determines that purchasing water for the Central Valley refuges by implementing specific water conservation practices found to meet the requirements of section 3409(d)(1) is not feasible, the Secretary shall make that water available to other California water agencies by negotiating and executing agreements between the United States, the entity holding the Central Valley Project contractual right to the saved water, and entities interested in obtaining the conserved water in exchange for funding the implementation of the water conservation practice.

TITLE XXXV—THREE AFFILIATED TRIBES AND STANDING ROCK SIOUX TRIBE EQUITABLE COMPENSATION PROGRAM

SEC. 3501. SHORT TITLE.

This title may be cited as the "Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act."

SEC. 3502. DEFINITIONS.

As used in this title, the term—

(1) "Three Affiliated Tribes" means the Mandan, Hidatsa, and Arikara Tribes that reside on the Fort Berthold Indian Reservation, a Federal reservation established by treaty and agreeement between the Tribes and the United States;

(2) "Standing Rock Sioux Tribe" means the members of the Great Sioux Nation that reside on the Standing Rock Indian Reservation, established by treaty between the Tribe and the United States; and

(3) "Joint Tribal Advisory Committee" means the commission established by the Secretary on May 10, 1985, for the purpose of assessing the impacts of the Garrison and Oahe Dams on the Three Affiliated Tribes and the Standing Rock Sioux Tribe.

SEC. 3503. FINDINGS; DECLARATIONS.

(a) FINDINGS.—In recognition of the findings, conclusions, and recommendations of the Secretary's Joint Tribal Advisory Committee, Congress finds that the Three Affiliated Tribes and the Standing Rock Sioux Tribe should be adequately compensated for the taking, in the case of the Three Affiliated Tribes, of 156,000 acres of reservation lands and, in the case of the Standing Rock Sioux Tribe, 56,000 acres of reservation lands, as the site for the Garrison Dam and Reservoir, and the Oahe Dam and Reservoir. Congress concurs in the Advisory Committee's findings and conclusions that the United States Government did not justly compensate such Tribes when it acquired those lands.

(b) DECLARATIONS.—(1) The Congress declares that the Three Affiliated Tribes are entitled to additional financial compensation for the taking of 156,000 acres of their reservation lands, including thousands of acres of prime agricultural bottom lands, as the site for the Garrison Dam and Reservoir, and that such amounts should be deposited in the Recovery Fund established by section 3504(a) for use in accordance with this title.

(2) The Congress declares that the Standing Rock Sioux Tribe is entitled to additional financial compensation for the taking of over 56,000 acres of its reservation lands, as the site for the Oahe Dam and Reservoir, and that such amounts should be deposited in the Standing Rock Sioux Tribe Economic Recovery Fund established by section 3504(b) for use in accordance with this title.

SEC. 3504. FUNDS.

(a) THREE AFFILIATED TRIBES ECONOMIC RECOVERY FUND.—(1) There is established in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund" (herinafter referred to as the "Recovery Fund").

(2) Commencing with fiscal year 1993, and each fiscal year thereafter, the Secretary of the Treasury shall deposit in the Recovery Fund an amount, which shall be nonreimbursable and nonreturnable and which is hereby appropriated, equal to 25 percent of the receipts from deposits to the United States Treasury for the preceding fiscal year from the integrated programs of the Eastern Division of the Pick-Sloan Missouri River Basin Project administered by the Western Area Power Administration, but in no event shall the aggregate of the amounts appropriated to the Recovery Fund for compensation for the Three Affiliated Tribes pursuant to this paragraph and paragraph (3) exceed $149,200,000.

(3) For payment to the Three Affiliated Tribes of amounts to which they remain entitled pursuant to the Act entitled "An Act to make certain provisions in connection with the construction of the Garrison diversion unit, Missouri River Basin project, by the Secretary of the Interior," approved August 5, 1965 (79 Stat. 433), there is authorized to be appropriated to the Recovery Fund established by subsection (a) for fiscal year 1993 and each of the next following nine fiscal years, the sum of $6,000,000.

(4) Only the interest received on moneys in such Fund shall be available, and is hereby appropriated, for use by the Secretary of the Interior in making payments to the Three Affiliated Tribes for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary.

(b) STANDING ROCK SIOUX TRIBE ECONOMIC RECOVERY FUND.—(1) There is established in the Treasury of the United States the "Standing Rock Sioux Tribe Economic Recovery Fund."

(2) Commencing with fiscal year 1993, and for each fiscal year thereafter, the Secretary of the Treasury shall deposit in the Recovery Fund an amount, which shall be nonreimbursable and nonreturnable and which is hereby appropriated, equal to 25 percent of the receipts from deposits to the United States Treasury for the preceding fiscal year from the integrated programs of the Eastern Division of the Pick-Sloan Missouri River Basin Project administered by the Western Area Power Administration, but in no event shall the aggregate of the amounts appropriated to the Recovery Fund for compensation for the Standing Rock Sioux Tribe pursuant to this paragraph exceed $90,600,000.

(3) Only the interest on the moneys in such Fund shall be available, and is hereby appropriated, for use by the Secretary of the Interior in making payments to the Standing Rock Sioux Tribe for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary.

(c) LIMITATION.—During fiscal years 1993, 1994, and 1995, the interest described in subsections (a)(4) and (b)(3) shall not exceed the savings generated by the bill.

SEC. 3505. ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.

No payments pursuant to this title shall result in the reduction, or the denial, of any Federal services or programs that the Three Affiliated

Tribes or the Standing Rock Sioux Tribe, or any of their members, are otherwise entitled to, or eligible for, because of their status as a federally recognized Indian tribe or member pursuant to Federal law. No payments pursuant to this title shall be subject to Federal or State income tax, or affect Pick-Sloan Missouri River Basin power rates in any way.

SEC. 3506. PER CAPITA PAYMENTS PROHIBITED.

No part of any moneys in any fund under this title shall be distributed to any member of the Three Affiliated Tribes or the Standing Rock Sioux Tribe on a per capita basis.

SEC. 3507. STANDING ROCK SIOUX INDIAN RESERVATION.

(a) IRRIGATION.—The Secretary of the Interior is authorized to develop irrigation within the boundaries of the Standing Rock Indian Reservation in a 2,380 acre project service area, except that no appropriated funds are authorized to be expended for construction of this project unless the Secretary has made a finding of irrigability of the lands to receive water as required by the Act of July 31, 1953 (43 U.S.C. 390a). Repayment for the units authorized under this subsection shall be made pursuant to the Act of July 1, 1932 (25 U.S.C. 386a).

(b) SPECIFIC.—There is authorized to be appropriated, in addition to any other amounts authorized by this title, or any other law, to the Secretary of the Interior $4,660,000 for use by the Secretary of the Interior in carrying out irrigation projects for the Standing Rock Sioux Tribe.

(c) DISCLAIMER.—This section shall not limit future irrigation development, in the event that such irrigation is subsequently authorized.

SEC. 3508. TRANSFER OF LANDS.

(a) FORMER TRIBAL LANDS.—(1) Except as provided in subsection (j), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (d).

(2) The lands referred to in paragraph (1) are those Federal lands which were acquired from the Three Affiliated Tribes by the United States for the Garrison Dam Project pursuant to the Act of October 29, 1949 and which are within the external boundary of the Fort Berthold Indian Reservation and located at or above contour elevation 1,860 feet mean sea level.

(b) FOUR BEARS AREA.—All rights, title, and interest of the United States in the following described lands (including the improvements thereon) and underlying Federal minerals are hereby declared to be held in trust by the United States for the Three Affiliated Tribes as part of the Fort Berthold Indian Reservation:

(1) approximately 142.2 acres, more or less, lying above contour elevation 1,854 feet mean sea level and located south of the southerly right-of-way line of North Dakota State Highway No. 23, in the following sections of Township 152 North, Range 93 West of the 5th principal meridian, McKenzie County, North Dakota:

Section 15: South half of the southwest quarter;

Section 21: Northeast quarter and northwest quarter of the southeast quarter;

Section 22: North half of the northwest quarter; and

(2) approximately 45.80 acres, more or less, situated in the east half of the southwest quarter and the east half of the west half of the southwest quarter of section 15, lying at or above contour elevation 1,854 mean sea level, located north of the northerly right-of-way line of North Dakota State Highway No. 23 and southeasterly of the following described line:

Commencing at a point on the west line of said section 15, said point being 528.00 feet northerly of the existing northerly right-of-way line of North Dakota State Highway No. 23; thence north 77 00' 00" east to the west line of said east half of the west half of the southwest quarter of section 15, and the point of beginning of such line; thence northeasterly to the northwest corner of the east half of the southwest quarter and the point of termination.

(c) FORMER NONTRIBAL LANDS.—(1) Except as provided in subsection (j), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (d).

(2) The lands referred to in paragraph (1) are—

(A) those Federal lands acquired from individual Indian owners by the United States for the Garrison Dam Project pursuant to the Act of October 29, 1949; and

(B) those lands acquired from non-Indian owners by the United States for such Project (either by purchase or condemnation);

and which are within the external boundary of the Fort Berthold Reservation, and located at or above contour elevation 1,860 feet mean sea level.

(d) RIGHT OF FIRST REFUSAL.—(1) The Secretary of the Interior shall, within 1 year following the date of the enactment of this title, offer to the Three Affiliated Tribes, and to such individual Indian owners and non-Indian owners from whom such lands were acquired, or their heirs or assigns, a right of first refusal, for a period to be determined by the Secretary of the Interior not to exceed 12 months following notice of the offer to such Tribes, owners, heirs, or assigns, to purchase at fair market value any land, in the case of the Three Affiliated Tribes, described in subsection (b), and in the case of individual Indian and non-Indian owners, described in subsection (c), which was so acquired. If any such former owner, or his or her heirs or assigns, refuses or fails to exercise his or her right to repurchase, and option to purchase such land shall be afforded to the Three Affiliated Tribes.

(2) Lands purchased from the Secretary of the Interior by former owners, or their heirs or assigns, under this subsection shall not be sold by former owners, their heirs or assigns, within the 5-year period following such purchase, unless the Three Affiliated Tribes has been afforded a right of first refusal to purchase such lands. Such right of first refusal shall afford the Tribes—

(A) 30 days from such notification to inform the prospective seller whether the Tribes intend to exercise their right of first refusal to purchase such lands at the price of the bona fide offer; and

(B) 1 year from such notification to complete the purchase of such lands under their right of first refusal.

(e) CONSIDERATION.—In consideration for the transfer of the lands described above, the Secretary of the Interior, or his designee, shall be responsible for determining the location of contour elevations 1,860 feet mean sea level (for subsections (a) and (c)) and 1,854 feet mean sea level (for subsection (b)) by surveying and monumenting such contour at intervals no greater than 500 feet. The survey and monumentation shall be completed within 2 years after the date of the enactment of this title.

(f) RESERVATIONS.—The United States hereby reserves the perpetual right, power, privilege, and easement permanently to overflow, flood, submerge, saturate, percolate, and erode the land described in subsections (a), (b), and (c) in connection with the operation and maintenance of the Garrison Dam Project, as authorized by the Act of Congress approved December 22, 1944, and the continuing right to clear and remove any brush, debris, and natural obstructions which, in the opinon of the Secretary of the Army, may be detrimental to the Project. The Three Affiliated Tribes, and the owners or their heirs or assigns who reacquired such lands pursuant to this title may exercise all other rights and privileges on the land except for those rights and privileges which would interfere with or abridge the rights and easements hereby reserved.

(g) PROHIBITIONS.—With respect to any lands described in this section that are below 1,860 feet mean sea level, no structures for human habitation shall be constructed or maintained on the land, and no other structures shall be constructed or maintained on the land except as may be approved in writing by the Secretary of the Army.

(h) EXCAVATION.—With respect to lands described in subsections (a), (b), or (c), no excavation shall be conducted and no landfill placed on the land without approval by the Secretary of the Army as to the location and method of excavation or placement of landfill.

(i) DISCLAIMER.—Nothing in this section shall deprive any person of any right-of-way, leasehold, or other right, interest, or claim which such person may have in the lands described in subsections (a), (b), and (c) prior to the date of the enactment of this title.

(j) TRUST LANDS.—(1) All rights, title, and interest of the United States in the improvements and recreation facilities described in paragraph (2) are hereby declared to be held in trust by the United States for the Three Affiliated Tribes.

(2) The improvements and facilities referred to in paragraph (1) are the Red Butte Bay Public Use Area and the Deepwater Bay Public Use Area. The recreation facilities include those facilities located both above and below contour elevation 1,860 feet mean sea level.

(3) The improvements and facilities described in this subsection are transferred as is and without warranty of any kind, and the Corps of Engineers shall have no obligation or responsibility to operate, maintain, repair, or replace any of such improvements or facilities. Operation and maintenance of the improvements and recreational facilities in this subsection shall be the responsibility of the Department of the Interior.

SEC. 3509. TRANSFER OF LANDS AT OAHE DAM AND LAKE PROJECT.

(a) FORMER TRIBAL LANDS.—(1) Except as provided in subsection (i), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (c).

(2) The lands referred to in paragraph (1) are those Federal lands which were acquired from the Standing Rock Sioux Tribe by the United States for the Oahe Dam and Reservoir Project pursuant to the Act of September 2, 1958 (Public Law 85-915)—

(A) which extend southerly from the south shore of Cannonball River, in Sioux County, North Dakota, to a point along the boundary between the Standing Rock and Cheyenne River Indian Reservations, in Dewey County, South Dakota; and

(B) which are located at or above contour elevation 1,620 feet mean sea level.

(b) FORMER NONTRIBAL LANDS.—(1) Except as provided in subsection (i), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (c).

(2) The lands referred to in paragraph (1) are those Federal lands acquired from individual

Indian owners by the United States for the Oahe Dam and Reservoir Project pursuant to the Act of September 2, 1958 (Public Law 85–915), and from non-Indian owners (either by purchase or condemnation), and—

(A) which extend southerly from the south shore of the Cannonball River, in Sioux County, North Dakota to a point along the boundary between the Standing Rock and Cheyenne River Indian Reservations, in Dewey County, South Dakota; and

(B) which are located at or above contour elevation 1,620 feet mean sea level.

(c) RIGHT OF FIRST REFUSAL.—(1) The Secretary of the Interior shall, within 1 year following the date of the enactment of this title, offer to the Standing Rock Sioux Tribe, and to such individual Indian owners and non-Indian owners from whom such lands were acquired, or their heirs or assigns, a right of first refusal, for a period to be determined by the Secretary of the Interior not to exceed 12 months following notice of the offer to the Standing Rock Sioux Tribe, owners, heirs or assigns, to purchase at fair market value any land, in the case of the Standing Rock Sioux Tribe, described in subsection (a), and in the case of individual Indian and non-Indian owners, described in subsection (b), which was so acquired. If any such owner, or his or her heirs or assigns, refuses or fails to exercise their right to repurchase, an option to purchase such lands shall be afforded to the Standing Rock Sioux Tribe.

(2) Lands purchased from the Secretary of the Interior by such former owners, or their heirs or assigns, under this subsection shall not be sold by the former owners, their heirs or assigns, within the 5-year period following such purchase, unless the Standing Rock Sioux Tribe has been afforded a right of first refusal to purchase such lands. Such right of first refusal shall afford the Tribe—

(A) 30 days from such notification to inform the prospective seller whether the Tribe intends to exercise its right of first refusal to purchase such lands at the price of the bona fide offer, and

(B) 1 year from such notification to complete the purchase of such lands under its right of first refusal.

(d) CONSIDERATION.—In consideration for the transfer of the lands described above, the Secretary of the Interior, or his designee, shall be responsible for determining the location of contour elevation 1,620 feet mean sea level by surveying and monumenting such contour at intervals no greater than 500 feet. The survey and monumentation shall be completed within 2 years after the date of the enactment of this title.

(e) RESERVATIONS.—The United States hereby reserves the perpetual right, power, privilege and easement permanently to overflow, flood, submerge, saturate, percolate and erode the land described in subsections (a) and (b) in connection with the operation and maintenance of the Oahe Dam and Lake Project, as authorized by the Act of Congress approved December 22, 1944, and the continuing right to clear and remove any brush, debris and natural obstructions which, in the opinion of the Secretary of the Army may be detrimental to the Project. The Standing Rock Sioux Tribe, and the owners or their heirs and assigns, who reacquired any such lands pursuant to this title, may exercise all other rights and privileges on the land except for those rights and privileges which would interfere with or abridge the rights and easement hereby reserved.

(f) PROHIBITIONS.—With respect to lands described in this section that are below 1,620 feet mean sea level, no structures for human habitation shall be constructed or maintained on the land and no other structures shall be constructed or maintained on the land except as may be approved in writing by the Secretary of the Army.

(g) EXCAVATION.—With respect to lands described in subsections (a) or (b), no excavation shall be conducted and no landfill placed on the land without approval by the Secretary of the Army as to the location and method of excavation or placement of landfill.

(h) DISCLAIMER.—Nothing in this section shall deprive any person of any right-of-way, leasehold, or other right, interest, or claim which such person may have in the lands described in subsections (a) and (b) prior to the date of the enactment of this title.

(i) TRUST LANDS.—(1) All rights, title and interest of the United States in the improvements and recreation facilities described in paragraph (2) are hereby declared to be held in trust by the United States for the Standing Rock Sioux Tribe.

(2) The improvements and facilities referred to in paragraph (1) are the levee around the City of Fort Yates, North Dakota, and the recreation facilities located at the Fort Yates Recreation Area, the Walker Bottoms Recreation Area, and the Grand River Recreation Area, including those recreation facilities located both above and below contour elevation 1,620 feet mean sea level.

(3) The improvements and facilities described in this subsection are transferred as is and without warranty of any kind, and the Corps of Engineers shall have no obligation or responsibility to operate, maintain, repair or replace any of such improvements or facilities. Operation and maintenance of the improvements and recreational facilities in this subsection shall be the responsibility of the Department of the Interior.

(j) EXCEPTION.—Notwithstanding subsection (i), the transfer of such improvements and facilities pursuant to subsection (i) does not include the improvements and facilities located at the Indian Memorial Recreation Area and the Grand River Fish Spawning Station, unless and until the State of South Dakota consents in writing and then only upon amendment of the "Agreement Between the United States and the State of South Dakota for Recreation and Fish and Wildlife Development at Lake Oahe, South Dakota" entered into on September 2, 1983, which amendment shall specifically provide for such transfer.

(k) FISH AND WILDLIFE.—Notwithstanding any other provision of law, the lands transferred under subsection (a) which, prior to the date of enactment of this title, were designated by the Corps of Engineers as mitigation lands for purposes of fish and wildlife conservation in accordance with the Fish and Wildlife Conservation Act of 1958, shall be included in any subsequent determination of the Corps' compliance with the fish and wildlife mitigation requirements of the Fish and Wildlife Conservation Act of 1958. The Standing Rock Sioux Tribe shall use its best efforts to conduct fish and wildlife conservation and mitigation of such lands. Notwithstanding the provisions of the Fish and Wildlife Conservation Act of 1958, the State of South Dakota shall have no claim, right, or cause of action pursuant to Federal law to compel designation of additional lands currently under the jurisdiction of the Corps of Engineers, for purposes of fish and wildlife conservation in lieu of the lands transferred by subsection (a).

SEC. 3510. CONFORMING AMENDMENT.

Section 10(a)(2) of Public Law 89–108 is amended by striking "$67,910,000" and inserting "$7,910,000."

SEC. 3511. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 3504 of this title.

TITLE XXXVI—WETLAND HABITAT RESTORATION PROGRAM

SEC. 3601. DEFINITIONS.

(1) The term "Foundation" means the South Dakota Game, Fish and Parks Foundation, a nonprofit corporation under the laws of the State of South Dakota with its principal office in South Dakota; and

(2) The term "wetland trust" means a trust established in accordance with section 3602(b) and operated in accordance with section 3602(c).

SEC. 3602. WETLAND TRUST.

(a) FEDERAL CONTRIBUTIONS.—Subject to appropriations therefore the Secretary shall make a Federal contribution to a wetland trust that is—

(1) established in accordance with subsection (b); and

(2) operated in accordance with subsection (c), in the amount of $3,000,000 in the first year in which a contribution is made and $1,000,000 in each of the following four years.

(b) ESTABLISHMENT OF WETLAND TRUST.—A wetland trust is established in accordance with this subsection if—

(1) the wetland trust is administered by the Foundation;

(2) the Foundation is under the direction of a Board of Directors that has power to manage all affairs of the Foundation, including administration, data collection, and implementation of the purposes of the wetland trust;

(3) members of the Board of Directors of the Foundation serve without compensation;

(4) the corporate purposes of the Foundation in administering the wetland trust are to preserve, enhance, restore, and manage wetland and associated wildlife habitat in the State of South Dakota;

(5) an advisory committee is created to provide the Board of Directors of the Foundation with necessary technical expertise and the benefit of a multiagency perspective;

(6) the advisory committee described in paragraph (5) is composed of—

(A) 1 member of the staff of the Wildlife Division of the South Dakota Department of Game, Fish and Parks, appointed by the Secretary of that department;

(B) 1 member of the United States Fish and Wildlife Service, appointed by the Director of region 6 of the United States Fish and Wildlife Service;

(C) 1 representative from the Department of Agriculture, as determined by the Secretary of Agriculture; and

(D) 3 residents of the State of South Dakota who are members of wildlife or environmental organizations, appointed by the Governor of the State of South Dakota; and

(7) the wetland trust is empowered to accept non-Federal donations, gifts, and grants.

(c) OPERATION OF WETLAND TRUST.—The wetland trust shall be considered to be operated in accordance with this subsection if—

(1) the wetland trust is operated to preserve, enhance, restore, and manage wetlands and associated wildlife habitat in the State of South Dakota;

(2) under the corporate charter of the Foundation, the Board of Directors, acting on behalf of the Foundation, is empowered to—

(A) acquire lands and interests in land and power to acquire water rights (but only with the consent of the owner);

(B) acquire water rights; and

(C) finance wetland preservation, enhancement, and restoration programs;

(3)(A) all funds provided to the wetland trust under subsection (a) are to be invested in accordance with subsection (d);

(B) no part of the principal amount (including capital gains thereon) of such funds are to be expended for any purpose;

(C) the income received from the investment of such funds is to be used only for purposes and operations in accordance with this subsection or, to the extent not required for current operations, reinvested in accordance with subsection (d);

(D) income earned by the wetland trust (including income from investments made with funds other than those provided to the wetland trust under subsection (a)) is used to—

(i) enter into joint ventures, through the Division of Wildlife of the South Dakota Department of Game, Fish and Parks, with public and private entities or with private landowners to acquire easements or leases or to purchase wetland and adjoining upland; or

(ii) pay for operation and maintenance of the wetland component;

(E) when it is necessary to acquire land other than wetland and adjoining upland in connection with an acquisition of wetland and adjoining upland, wetland trust funds (including funds other than those provided to the wetland trust under subsection (a) and income from investments made with such funds) are to be used only for acquisition of the portions of land that contain wetland and adjoining upland that is beneficial to the wetland;

(F) all land purchased in fee simple with wetland trust funds shall be dedicated to wetland preservation and use; and

(G)(i) proceeds of the sale of land or any part thereof that was purchased with wetland trust funds are to be remitted to the wetland trust;

(ii) management, operation, development, and maintenance of lands on which leases or easements are acquired;

(iii) payment of annual lease fees, one-time easement costs, and taxes on land areas containing wetlands purchased in fee simple;

(iv) payment of personnel directly related to the operation of the wetland trust, including administration; and

(v) contractual and service costs related to the management of wetland trust funds, including audits.

(4) the Board of Directors of the Foundation agrees to provide such reports as may be required by the Secretary and makes its records available for audit by Federal agencies; and

(5) the advisory committee created under subsection (b)—

(A) recommends criteria for wetland evaluation and selection: Provided, That income earned from the Trust shall not be used to mitigate or compensate for wetland damage caused by Federal water projects;

(B) recommends wetland parcels for lease, easement, or purchase and states reasons for its recommendations; and

(C) recommends management and development plans for parcels of land that are purchased.

(d) INVESTMENT OF WETLAND TRUST FUNDS.—(1) The Secretary, in consultation with the Secretary of the Treasury, shall establish requirements for the investment of all funds received by the wetland trust under subsection (a) or reinvested under subsection (c)(3).

(2) The requirements established under paragraph (1) shall ensure that—

(A) funds are invested in accordance with sound investment principles; and

(B) the Board of Directors of the Foundation manages such investments and exercises its fiduciary responsibilities in an appropriate manner.

(e) COORDINATION WITH THE SECRETARY OF AGRICULTURE.—(1) The Secretary shall make the Federal contribution under subsection (a) after consulting with the Secretary of Agriculture to provide for the coordination of activities under the wetland trust established under subsection (b) with the water bank program, the wetlands reserve program, and any similar Department of Agriculture programs providing for the protection of wetlands.

(2) The Secretary of Agriculture shall take into consideration wetland protection activities under the wetland trust established under subsection (b) when considering whether to provide assistance under the water bank program, the wetlands reserve program, and any similar Department of Agriculture programs providing for the protection of wetlands.

SEC. 3603. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $7,000,000 for the Federal contribution to the wetland trust established under section 3602.

TITLE XXXVII—SAN JOAQUIN NATIONAL VETERANS CEMETERY, CALIFORNIA

Notwithstanding any other provisions of law, the Secretary of the Interior and the Secretary of Veteran Affairs are authorized to enter into a contract to provide for the delivery in perpetuity of water from the Central Valley Project in quantities sufficient, but not to exceed 850 acre-feet per year, to meet the needs of the San Joaquin National Cemetery, California.

TITLE XXXVIII—SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT

SEC. 3801. SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of the Army is directed to develop and carry out in accordance with this section a 320-acre Sonoma Baylands wetland demonstration project in the San Francisco Bay-Delta estuary, California. The project shall utilize dredged material suitable for aquatic disposal to restore, protect, and expand the Sonoma Baylands for the purposes of preserving waterfowl, fish, and other wetland dependent species of plants and animals and to provide flood control, water quality improvement, and sedimentation control.

(b) ADDITIONAL PROJECT PURPOSES.—In addition to the purposes described in subsection (a), the purposes of the project under this section are to restore tidal wetlands, provide habitat for endangered species, expand the feeding and nesting areas for waterfowl along the Pacific flyway, and demonstrate the use of suitable dredged material as a resource, facilitating the completion of Bay Area dredging projects in an environmentally sound manner.

(c) PLAN.—

(1) GENERAL REQUIREMENT.—The Secretary, in cooperation with appropriate Federal and State agencies, and in accordance with applicable Federal and State environmental laws, shall develop in accordance with this subsection a plan for implementation of the Sonoma Baylands project under this section.

(2) CONTENTS.—The plan shall include initial design and engineering, construction, general implementation and site monitoring.

(3) TARGET DATES.—

(A) FIRST PHASE.—The first phase of the plan for final design and engineering shall be completed within 6 months of the date of the enactment of this Act.

(B) SECOND PHASE.—The second phase of the plan, including the construction of on-site improvements, shall be completed within 10 months of the date of the enactment of this Act.

(C) THIRD PHASE.—The Third phase of the plan, including dredging, transportation, and placement of material, shall be started no later than July 1, 1994.

(D) FOURTH PHASE.—The final phase of the plan shall include monitoring of project success and function and remediation if necessary.

(d) NON-FEDERAL PARTICIPATION.—Any work undertaken pursuant to this title shall be initiated only after non-Federal interests have entered into a cooperative agreement according to the provisions of section 221 of the Flood Control Act of 1970. The non-Federal interests shall agree to—

(1) provide 25 percent of the cost associated with the project, including provision of all lands, easements, rights-of-way, and necessary relocations; and

(2) pay 100 percent of the cost of operation, maintenance, replacement, and rehabilitation costs associated with the project.

(e) REPORTS TO CONGRESS.—The Secretary shall report to Congress at the end of each of the time periods referred to in subsection (c)(3) on the progress being made toward development and implementation of the project under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for carrying out this section for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

House Amendment to Senate Amendment:

(At this point appears the text of H.R. 429 and of H.R. 5099, as amended, as passed by the House. The bills referred to will be printed in the RECORD at a later date.)

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER].

The motion was agreed to.

Mr. RIGGS. Mr. Chairman, H.R. 5099 would provide significant new protections for California's fish and wildlife resources that have been affected by Federal operation of the Central Valley Project [CVP], but would do so consistently with State law and policy and without destroying rural economies dependent on CVP irrigation deliveries. The bill provides the Secretary of the Interior with additional authorities to achieve its purposes, and establishes two advisory committees of appropriately diverse composition, thereby promoting cooperation among the various interests served and affected by the CVP that is consistent with the compromises this bill represents.

H.R. 5099 would also benefit depressed communities in my district that depend on the ocean harvest of salmon that originate in the Sacramento and Trinity River basins. The bill recognizes the CVP operations significantly affect the fishery in the Trinity River by providing that such impacts will be reviewed as part of future CVP planning. The bill also recognizes the needs of several Indian tribes who rely on fish harvest for survival needs.

In addition, H.R. 5099 would insure both that the valuable Trinity River fishery, which is of critical importance to the ocean commercial fishing industry and to Indian tribes, will not be sacrificed, and that the CVP's Trinity River Division will still be integrated into the revised CVP purposes to the same extent provided under existing law.

Mr. CONDIT. Mr. Chairman, I rise today in opposition to H.R. 5099 as reported from the Committee on Interior and Insular Affairs. During hearings that were held on May 28, 1992, I, along with my colleagues CAL DOOLEY and RICK LEHMAN, expressed reservations on specific issues which had to be resolved before H.R. 5099 would be acceptable. Despite our every effort to work productively toward resolving these issues, there has been no resolution.

Section 4 of H.R. 5099 imposes unreasonable limitations on new contracts for any purpose other than fish and wildlife. Even temporary contracts for terms shorter than 1 year

which are typically utilized to put unstorable flood waters to beneficial use, and interim contracts which are used to allocate supplies more efficiently to municipal and industrial and agricultural water users will be prevented until fish and wildlife purposes that will take 10 or more years are met. This absolute moratorium will also continue until the San Francisco Bay/Sacramento San Joaquin Delta Estuary water quality standards are implemented and approved by the Environmental Protection Agency.

Section 4 also allocates 100,000 acre feet of water from the existing project yield for auction to the highest municipal or industrial bidder. Coupled with H.R. 5099's reallocation of water to fish and wildlife, this provision takes away from existing contractors for municipal purposes. Such contractors in my district face losing a portion of their contract supplies and being forced to repurchase their water in competition with the Metropolitan Water District of Los Angeles—let us face it—we will not be able to compete.

One of the benefits of a central valley project has been a stable water supply for a period long enough to repay capital investments necessary to put the water to beneficial use. H.R. 5099 takes away the 40-year contract rights from the water contractors and substitutes a one-time renewal for 20 years. Twenty year contracts are the very minimum time needed for agriculture and municipal uses. If a city or water district needs to fund water improvements, it must act at the moment of contract renewal. If the need for capital improvements exists 10 years later, water districts and municipality will not be able to finance them because there will be no assurance of a water supply for the full time needed to make repayment. This same scenario can be used for the farmer who wants to plant permanent crops.

To make matters worse, H.R. 5099 requires expensive environmental studies, both on a programmatic basis for the entire CVP and for each contractor. This bill creates unrealistic time tables for these environmental studies and does not guarantee that a contract which expires before the CVP EIS can be completed will be renewed. The enormous costs of these studies will substantially increase the price of water and the contract renewal limit casts doubt on the ability of a city or district to finance its own EIS.

Probably the single most destructive provision of section 4 allows the Secretary of the Interior to allocate a contractor's water supply for fish and wildlife purposes, without any clear standards as to how or why or when this wholesale grab of water will take place. How can cities in our rapidly developing valley plan for their needs, if from year to year their water supply will be altered? How can any farmer convince a lender to finance his or her operation if he or she may be unable to complete the crop year because that very year's water supply can be stripped away? It is easy. The cities and farmers that rely on the CVP will not be able to plan for the future or finance any long-term projects, and that simple fact will devastate large areas in my district.

Section 5 of H.R. 5099 should have been a progressive provision allowing transfer of CVP water around the State to maximize efficient use of the State's water resources. Instead, it discourages transfers that have always occurred among CVP contractors by imposing a 25-percent fish and wildlife tax. It allows an individual to sell of publicly developed water at a profit and without any responsibility to pay back costs associated with developing that water. With this in mind, H.R. 5099 does not provide a wise and workable framework for water transfers.

The fish and wildlife restoration sections of H.R. 5099 are also unacceptable. Language in this bill to amend the project purpose raises questions as to whether or not the Secretary of Interior will be able to implement goals of doubling anadromous fish populations and to carry out specified project improvements. Making fish and wildlife a project purpose on an equal footing with municipal/industrial and agricultural purposes without providing any clear direction to the Secretary of Interior will mean that CVP contractors and environmentalists will take H.R. 5099 to the courts while real fish and wildlife improvements in the CVP languish.

In the last few years, the agriculture industry in California has been hurt by a variety of natural and manmade problems. The 6-year drought and the 1990 freeze are beyond the power of Government to solve, but Government, by its planning and preparation, can mitigate problems associated with the needs of California in addition to the environment. There is no doubt California agriculture, and the millions of people who depend on it, would not have survived the 6 consecutive years of drought we are now facing without the construction of the Central Valley project. Unfortunately, many groups and individuals see the water issue as it relates to the Central Valley in simplistic terms. Many people ignore the vital importance of water to valley residents and stereotype them as greedy, corporate farmers who do not care for the future of our environment. The truth is quite opposite. Why would the farm community, people who have lived in this area for many generations, want to destroy an environment they must produce from every day?

Earlier I expressed my commitment to support public policy that addresses concerns about the impact of the CVP upon the environment as long as such a policy accounted for the needs and concerns of those who depend upon the CVP as well. H.R. 5099 as reported to the House floor does not represent this equal balance. Let us look at this in realistic terms. The economic vitality of the Central Valley is directly related to agriculture and agriculture is directly related to the availability of water. Hundreds of thousands of jobs will be directly impacted on the decision you will be making today. Representatives of the environmental community and contractors from the CVP have been working hard to agree on a compromise legislation, but that opportunity has been forestalled by H.R. 5099's coming to the floor today. As proposed H.R. 5099 does not merit support, and I urge you to join me in opposing this bill.

APPOINTMENT OF CONFEREES ON H.R. 5099

Mr. MILLER of California. Mr. Speaker, pursuant to the provisions of House Resolution 486, I move that the House insist its amendment to the Senate amendment to H.R. 429, and request a conference with Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER].

The motion was agreed to.

The SPEAKER pro tempore. The Speaker will appoint conferees at a later time.

□ 1630

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF AMENDMENT TO H.R. 429, RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1991

Mr. MILLER of California. I ask unanimous consent that the Clerk be authorized to make technical and conforming changes in the engrossment of the amendment to H.R. 429 to reflect the actions taken by the House.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter on H.R. 5099 and H.R. 429.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minutes while we are awaiting arrival of the leadership in the Chamber to announce the schedule for next week.

AMERICA NEEDS JOBS IN THE INNER CITIES

Mr. BENNETT. Mr. Speaker, since we have a period where I may say something I would like to add to what I have already said today regarding job opportunities. Mr. Speaker, I think at this particular time in our history America needs jobs in the inner cities very desperately, and I think we must meet that demand. In order to meet that realistically, we have to get the funds for it.

Mr. Speaker, I see the chairman of the Committee on the Budget on his feet right now, and I hope we can find those funds. But I myself feel like there are programs like foreign aid, on which we spend $25 to $30 billion, where we can get the needed funds, and I think we should find the money there:

also in Foof Stamps Program and a good number of other programs which are overfinanced. The desperate need for jobs in the inner cities is something we cannot pass over. I hope we can find a way to answer this and do it promptly.

I include here a copy of my bill on this subject.

H.R. 4149

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 shall be cited as the "Job Opportunities to Benefit Society (JOBS) Act of 1992".

TITLE I—PROGRAMS FOR THE UNEMPLOYED

SEC. 101. JOB CREATION FOR THE UNEMPLOYED.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Labor (hereinafter in this section referred to as the "Secretary") shall establish in the Department of Labor an employment program involving grants to the States for purposes of creating employment programs for unemployed individuals in those States where the unemployment rate equals or exceeds 5 per centum.

(b) STATE PLAN REQUIRED.—In order to receive an allotment of funds under this section, the Governor of a State shall submit to the Secretary, on an annual basis, a State plan detailing programs and activities that will be assisted with the funds provided under this section.

(c) CONTENTS OF PLAN.—Each State plan shall contain provisions demonstrating to the satisfaction of the Secretary that the State will comply with the requirements of this section and that—

(1) employment under this title shall be provided only to persons within the State who have been unemployed for at least six months and would otherwise qualify for unemployment compensation;

(2) a specific number of jobs will be made available under the State program;

(3) the State will complete a study (or demonstrate a commitment to conduct a study not later than one year after the allotment of funds to the State) concerning the number of unemployed individuals within the State and of those how many are potentially capable of performing some type of work;

(4) the State will disseminate information throughout the State on the availability of services and activities under this title; and

(5) the State will operate a monitoring, reporting, and management system which provides an adequate information base for effective program management, review, and evaluation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section such funds as are provided by appropriations laws for each fiscal year and/or by the establishment of an account in the Treasury to be known as the "Job Opportunities To Benefit Society Account", consisting of donations to the account by private individuals and/or corporations.

SEC. 102. ALLOTMENT.

ALLOCATION BASED ON NUMBER OF INDIVIDUALS EXPECTED TO BE EMPLOYED.—Upon approval by the Secretary of a State plan, the State may receive annual grants based upon the number of individuals the State expects to employ. The amount of such grants will be determined by the Secretary.

SEC. 103. SUNSET PROVISION.

Authorization for this Act shall end thirty-six months from the date of enactment.

TITLE II—DEFICIT REDUCTION

SEC. 201. USE OF EXCESS FUNDS FOR DEFICIT REDUCTION.

Any grant funds not expended by the Secretary at the end of each fiscal year shall be converted to the United States Treasury for purposes of deficit reduction.

COLLOQUY RE WATSONVILLE SUBAREA OF THE SAN FELIPE DIVISION OF THE CENTRAL VALLEY PROJECT

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

Mr. PANETTA. Mr. Speaker, the purpose of this 1 minute is to engage in a colloquy with the chairman of the Committee on Interior and Insular Affairs with regard to H.R. 5099, the bill just passed.

This colloquy is to clarify what the status of the Watsonville subarea of the San Felipe Division of the Central Valley project would be under H.R. 5099.

Mr. Speaker, ground water monitoring wells have confirmed the presence of seawater intrusion inland. Continued overdraft and seawater intrusion threaten Pajaro Valley agriculture, which is the economic base of this valley.

Currently, the Bureau of Reclamation is conducting a study to determine the feasibility of obtaining water from the CVP for the Watsonville subarea. This study has been underway for a number of years and was undertaken with the expectation that the Pajaro Valley Water Management District would have the option to enter into a contract with the Bureau of Reclamation to receive CVP water for agricultural purposes.

The study is expected to be completed in December. Upon completion of the study, the district expects to want to contract for CVP water for agricultural purposes. I understand that under H.R. 5099 the Pajaro Water District will not be able to enter into a CVP contract for agricultural purposes due to the temporary moratorium on new contracts.

However, I want to clarify that the Pajaro Valley Water Management District will be eligible to enter into a CVP contract for municipal and industrial water. I want to further clarify that upon completion of the requisite studies and requisite revitalization of fish and wildlife under H.R. 5099, the water district would be eligible to enter into a contract to receive CVP water for agricultural purposes.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, the gentleman is correct, the moratorium on new contracts is not a permanent moratorium. Rather, the moratorium is in effect until the restoration of fish and wildlife populations is met under the requirements of this legislation.

Mr. PANETTA. I thank the chairman.

House amendment to Senate amendment: In lieu of the matter by Senate amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reclamation Projects Authorization and Adjustment Act of 1991".

SEC. 2. DEFINITION OF SECRETARY.

For the purposes of this Act, the term "Secretary" means the Secretary of the Interior.

TITLE I—BUFFALO BILL DAM AND RESERVOIR, WYOMING

SEC. 101. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR BUFFALO BILL DAM AND RESERVOIR, SHOSHONE PROJECT, PICK-SLOAN MISSOURI BASIN PROGRAM.

Title I of Public Law 97–293 (96 Stat. 1261) is amended as follows:

(1) In the second sentence of section 101, by striking "replacing the existing Shoshone Powerplant," and inserting "constructing power generating facilities with a total installed capacity of 25.5 megawatts,".

(2) In section 102—

(A) by amending the heading to read as follows:

"RECREATIONAL FACILITIES, CONSERVATION, AND FISH AND WILDLIFE";

and

(B) by adding at the end the following: "The construction of recreational facilities in excess of the amount required to replace or relocate existing facilities is authorized, and the costs of such construction shall be borne equally by the United States and the State of Wyoming pursuant to the Federal Water Project Recreation Act.".

(3) In section 106(a)—

(A) by striking "for construction of the Buffalo Bill Dam and Reservoir modifications the sum of $106,700,000 (October 1982 price levels)" and inserting "for the Federal share of the construction of the Buffalo Bill Dam and Reservoir modifications and recreational facilities the sum of $80,000,000 (October 1988 price levels)"; and

(B) by striking "modifications" and all that follows and inserting "modifications.".

TITLE II—CENTRAL UTAH PROJECT CONSTRUCTION

SEC. 200. SHORT TITLE FOR TITLES II–VI; TABLE OF CONTENTS FOR TITLES II–VI; AND DEFINITIONS FOR TITLES II–VI.

(a) SHORT TITLE.—Titles II through VI of this Act may be cited as the "Central Utah Project Completion Act".

(b) TABLE OF CONTENTS.—The table of contents for titles II through V of this Act is as follows:

(c) DEFINITIONS.—For the purposes of titles II–VI of this Act:

(1) The term "Bureau" means the Bureau of Reclamation of the Department of the Interior.

(2) The term "Commission" means the Utah Reclamation Mitigation and Conservation Commission established by section 301 of this Act.

(3) The term "conservation measure(s)" means actions taken to improve the efficiency of the storage, conveyance, distribution, or use of water, exclusive of dams, reservoirs, or wells.

(4) The term "1988 Definite Plan Report" means the May 1988 Draft Supplement to the Definite Plan Report for the Bonneville Unit of the Central Utah Project.

(5) The term "District" means the Central Utah Water Conservancy District.

(6) The term "fish and wildlife resources" means all birds, fishes, mammals, and all other classes of wild animals and all types of habitat upon which such fish and wildlife depend.

(7) The term "Interagency Biological Assessment Team" means the team comprised of representatives from the United States Fish and Wildlife Service, the United States Forest Service, the Bureau of Reclamation, the Utah Division of Wildlife Resources, and the District.

(8) The term "administrative expenses", as used in section 301(i) of this Act, means all expenses necessary for the Commission to administer its duties other than the cost of the contracts or other transactions provided for in section 301(f)(3) for the implementation by public natural resource management agencies of the mitigation and conservation projects and features authorized in this Act. Such administrative expenses include but are not limited to the costs associated with the Commission's planning, reporting, and public involvement activities, as well as the salaries, travel expenses, office equipment, and other such general administrative expenses authorized in this Act.

(9) The term "petitioner(s)" means any person or entity that petitions the District for an allotment of water pursuant to the Utah Water Conservancy Act, Utah Code Ann. Sec. 17A–2–1401 et. seq.

(10) The term "project" means the Central Utah Project.

(11) The term "public involvement" means to request comments on the scope of and, subsequently, on drafts of proposed actions or plans, affirmatively soliciting comments, in writing or at public hearings, from those persons, agencies, or organizations who may be interested or affected.

(12) The term "Secretary" means the Secretary of the Interior.

(13) The term "section 8" means section 8 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620g).

(14) The term "State" means the State of Utah, its political subdivisions, or its designee.

(15) The term "Stream Flow Agreement" means the agreement entered into by the United States through the Secretary of the Interior, the State of Utah, and the Central Utah Water Conservancy District, dated February 27, 1980, as modified by the amendment to such agreement, dated September 13, 1990.

SEC. 201. AUTHORIZATION OF ADDITIONAL AMOUNTS FOR THE COLORADO RIVER STORAGE PROJECT.

(a)(1) INCREASE IN CRSP AUTHORIZATION.—In order to provide for the completion of the Central Utah Project and other features described in this Act, the amount which section 12 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), authorizes to be appropriated, which was increased by the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), and the Act of October 31, 1988 (102 Stat. 2826), is hereby further increased by $922,456,000 plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved: Provided, however, That of the amounts authorized to be appropriated by this section, the Secretary is not authorized to obligate or expend amounts in excess of $214,352,000 for the features identified in table 2 of the report accompanying the bill H.R. 429. This additional sum shall be available solely for design, engineering, and construction of the facilities identified in title II of this Act and for the planning and implementation of the fish and wildlife and recreation mitigation and conservation projects and studies authorized in titles III and IV of this Act, and for the Ute Indian Settlement authorized in title V of this Act.

(2) APPLICATION OF INSPECTOR GENERAL RECOMMENDATIONS.—Notwithstanding any other provision of law to the contrary, the Secretary shall implement all the recommendations contained in the report entitled "Review of the Financial Management of the Colorado River Storage Project, Bureau of Reclamation (Report No. 88–45, February, 1988)", prepared by the Inspector General of the Department of the Interior, with respect to the funds authorized to be appropriated in this section.

(b) UTAH RECLAMATION PROJECTS AND FEATURES NOT TO BE FUNDED.—Notwithstanding the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 105), the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), the Act of October 19, 1980 (94 Stat. 2239; 43 U.S.C. 620), and the Act of October 31, 1988 (102 Stat. 2826), funds may not be made available, obligated, or expended for the following Utah reclamation projects and features:

(1) Fish and wildlife features:

(A) The dam in Bjorkman Hollow;

(B) The Deep Creek pumping plant;

(C) The North Fork pumping plant;

(2) Water development projects and features:

(A) Mosida pumping plant, canals, and laterals;

(B) Draining of Benjamin Slough;

(C) Diking of Goshen or Provo Bays in Utah Lake;

(D) Ute Indian Unit;

(E) Leland Bench development; and

(F) All features of the Bonneville Unit, Central Utah Project not proposed and described in the 1988 Definite Plan Report.

Counties in which the projects and features described in this subsection were proposed to be located may participate in the local development projects provided for in section 206.

(c) TERMINATION OF AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any provision of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), the Act of September 2, 1964 (78 Stat. 852), the Act of September 30, 1968 (82 Stat. 885), the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), and the Act of October 31, 1988 (102 Stat. 2826) to the contrary, the authorization of appropriations for construction of any Colorado River Storage Project participating project located in the State of Utah shall terminate five years after the date of enactment of this Act unless: (1) the Secretary executes a cost-sharing agreement with non-Federal entities for construction of such project, and (2) the Secretary has requested construction funds for such project.

(d) USE OF APPROPRIATED FUNDS.—Funds authorized pursuant to this Act shall be appropriated to the Secretary and such appropriations shall be made available in their entirety to non-Federal interests as provided for pursuant to the provisions of this Act.

(e) STATUS OF PARTICIPATING PROJECTS.—The Secretary, in consultation with the Secretary of Energy and the Governors of the Upper Colorado River Basin States, is directed to report to Congress not later than April 15, 1992, on the status of Colorado River Storage Project participating projects for which construction has not begun as of October 15, 1990. The report of the Secretary shall include, but not be limited to, the following information:

(1) a description of each project, its legislative history, and history of environmental compliance;

(2) an analysis of the economic costs and benefits of each participating project;

(3) a recommendation as to whether the authorization of appropriations for that project be amended, be terminated, or should remain unchanged, along with the reasons supporting each recommendation.

SEC. 202. BONNEVILLE UNIT WATER DEVELOPMENT.

(a) Of the amounts authorized to be appropriated in section 201, the following amounts shall be available only for the following features of the Bonneville Unit of the Central Utah Project:

(1) IRRIGATION AND DRAINAGE SYSTEM.—(A) $150,000,000 for the construction of an enclosed pipeline primary water conveyance system from Spanish Fork Canyon to Sevier Bridge Reservoir for the purpose of supplying new and supplemental irrigation water supplies to Utah, Juab,

Millard, Sanpete, Sevier, Garfield, and Piute Counties. Construction of the facilities specified in the previous sentence shall be undertaken by the District as specified in subparagraph (D) of this paragraph. No funds are authorized to be appropriated for construction of the facilities identified in this paragraph, except as provided for in subparagraph (D) of this paragraph.

(B) The authorization to construct the features provided for in subparagraph (A) shall expire if no funds to construct such features have been obligated or expended by the Secretary in accordance with this Act, unless the Secretary determines the District has complied with sections 202, 204, and 205, within five years from the date of its enactment, or such longer time as necessitated for—

(i) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act (16 U.S.C. 1533 et seq.) for any species that is or may be listed as threatened or endangered under such Act: Provided, however, That such extension of time for the expiration of authorization shall not exceed twelve months beyond the five-year period provided in subparagraph (B) of this paragraph;

(ii) judicial review of a completed final environmental impact statement for such features if such review is initiated by parties other than the District, the State, or petitioners of project water; or

(iii) a judicial challenge of the Secretary's failure to make a determination of compliance under this subparagraph: Provided, however, That in the event that construction is not initiated on the features provided for in subparagraph (A), $125,000,000 shall remain authorized pursuant to the provisions of this Act applicable to subparagraph (A) for the construction of alternate features to deliver irrigation water to lands in the Utah Lake drainage basin, exclusive of the features identified in section 201(b).

(C) REQUIREMENT FOR BINDING CONTRACTS.—Amounts authorized to carry out subparagraph (A) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase for the purpose of agricultural irrigation of at least 90 percent of the irrigation water to be delivered from the features of the Central Utah Project described in subparagraph (A) have been executed.

(D) In lieu of construction by the Secretary, the Central Utah Project and features specified in section 202(a)(1) shall be constructed by the District under the program guidelines authorized by Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). Any such feature shall be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in section 202(a)(1).

(2) CONJUNCTIVE USE OF SURFACE AND GROUND WATER.—$10,000,000 for a feasibility study and development, with public involvement, by the Utah Division of Water Resources of systems to allow ground water recharge, management, and the conjunctive use of surface water resources with ground water resources in Salt Lake, Utah, Davis, Wasatch, and Weber Counties, Utah.

(3) WASATCH COUNTY WATER EFFICIENCY PROJECT.—(A) $500,000 for the District to conduct, within two years from the date of enactment of this Act, a feasibility study with public involvement, of efficiency improvements in the management, delivery and treatment of water in Wasatch County, without interference with downstream water rights. Such feasibility study shall be developed after consultation with Wasatch County and the Commission, or the Utah State Division of Wildlife Resources if the Commission has not been established, and shall identify the features of the Wasatch County Water Efficiency Project.

(B) $10,000,000 for construction of the Wasatch County Water Efficiency Project, in addition to funds authorized in section 107(e)(2) for related purposes.

(C) The feasibility study and the project construction authorization shall be subject to the non-Federal contribution requirements of section 204.

(D) The project construction authorization provided in subparagraph (B) shall expire if no funds to construct such features have been obligated or expended by the Secretary in accordance with this Act within five years from the date of completion of feasibility studies, or such longer times as necessitated for—

(i) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for any species that is or may be listed as threatened or endangered under such Act, except that such extension of time for the expiration of authorization shall not exceed twelve months beyond the five-year period provided in this subparagraph; or

(ii) judicial review of environmental studies prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if such review was initiated by parties other than the District, the State, or petitioners of project water.

(E) Amounts authorized to carry out subparagraph (B) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase of at least 90 percent of the supplemental irrigation project water to be delivered from the features constructed under subparagraph (B) have been executed.

(F) In lieu of construction by the Secretary, the Central Utah Project and features specified in section 102(a)(1) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). Any such feature may be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in section 102(a)(1).

(4) UTAH LAKE SALINITY CONTROL.—$1,000,000 for the District to conduct, with public involvement, a feasibility study to reduce the salinity of Utah Lake.

(5) STRAWBERRY-PROVO CONVEYANCE STUDY.—(A) $2,000,000 for the District to conduct a feasibility study, with public involvement, of direct delivery of Colorado River Basin water from the Strawberry Reservoir or elsewhere in the Strawberry Collection System to the Provo River Basin, including the Wallsburg Tunnel and other possible importation or exchange options. The study shall also evaluate the potential for changes in existing importation patterns and quantities of water from the Weber and Duchesne River Basins, and shall describe the economic and environmental consequences of each alternative identified.

(B) The cost of the study provided for in subparagraph (A) shall be treated as an expense under section 8: Provided, however, That the cost of such study shall be reallocated proportionate with project purposes in the event any conveyance alternative is subsequently authorized and constructed.

(6) COMPLETION OF DIAMOND FORK SYSTEM.—(A) Of the amounts authorized to be appropriated under section 201, $69,000,000 shall be available to complete construction of the Diamond Fork System.

(B) In lieu of construction by the Secretary, the facilities specified in paragraph (A) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). Any such feature shall be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in subparagraph (A) of this paragraph.

(b) STRAWBERRY WATER USERS ASSOCIATION.—(1) In exchange for, and as a precondition to approval of the Strawberry Water Users Association's petition for Bonneville Unit water, the Secretary, after consultation with the Secretary of Agriculture, shall impose conditions on such approval so as to ensure that the Strawberry Water Users Association shall manage and develop the lands referred to in subparagraph 4(e)(1)(A) of the Act of October 31, 1988 (102 Stat. 2826, 2828) in a manner compatible with the management and improvement of adjacent Federal lands for wildlife purposes, natural values, and recreation.

(2) The Secretary of Agriculture and the Secretary shall not permit commercial or other development of Federal lands within sections 2 and 13, township 3 south, range 12 west, and sections 7 and 8, township 3 south, range 11 west, Uintah Special Meridian. Such Federal lands shall be rehabilitated pursuant to subsection 4(f) of the Act of October 31, 1988 (102 Stat. 2826, 2828) and hereafter managed and improved for wildlife purposes, natural values, and recreation consistent with the Uinta National Forest Land and Natural Resource Management Plan. This restriction shall not apply to the 95 acres referred to in the first sentence of subparagraph 4(e)(1)(A) of the Act of October 31, 1988 (102 Stat. 2826, 2828), valid existing rights, or to uses of such Federal lands by the Secretary of Agriculture or the Secretary for public purposes.

SEC. 203. UINTA BASIN REPLACEMENT PROJECT.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by section 201, $30,538,000 shall be available only to increase efficiency, enhance beneficial uses, and achieve greater water construction within the Uinta Basin, as follows:

(1) $13,582,000 for the construction of the Pigeon Water Reservoir, together with an enclosed pipeline conveyance system to divert water from Lake Fork River to Pigeon Water Reservoir and Sandwash Reservoir.

(2) $2,987,000 for the construction of McGuire Draw Reservoir.

(3) $7,669,000 for the construction of Clay Basin Reservoir.

(4) $4,000,000 for the rehabilitation of Farnsworth Canal.

(5) $2,300,000 for the construction of permanent diversion facilities identified by the Commission on the Duchesne and Strawberry Rivers, the designs of which shall be approved by the Federal and State fish and wildlife agencies. The amount identified in paragraph (5) shall be treated as an expense under section 8.

(b) EXPIRATION OF AUTHORIZATION.—The authorization to construct any of the features provided for in paragraphs (1) through (5) of subsection (a)—

(1) shall expire if no funds for such features have been obligated or expended in accordance with this Act within five years from the date of completion of feasibility studies, or such longer time as necessitated for—

(A) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act (16 U.S.C. 1533 et seq.) for any species that is or may be listed as threatened or endangered under such Act: Provided, however, That such extension of time for the expiration of authorization shall not exceed twelve months beyond the five-year period provided in this paragraph; or

(B) judicial review of environmental studies prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if such review was initiated by parties other than the District, the State, or petitioners of project water;

(2) shall expire if the Secretary determines that such feature is not feasible.

(c) REQUIREMENT FOR BINDING CONTRACTS.—Amounts authorized to carry out subsection (a), paragraphs (1) through (4) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase of at least 90 percent of the supplemental irrigation water to be delivered from the features of the Central Utah Project described in subsection (a), paragraphs (1) through (4) have been executed.

(d) NON-FEDERAL OPTION.—In lieu of construction by the Secretary, the features described in subsection (a), paragraphs (1) through (5) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). Any such feature shall be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in subsection (a) of this section.

(e) WATER RIGHTS.—To make water rights available for any of the features constructed as authorized in this section, the Bureau shall convey to the District in accordance with State law the water rights evidenced by Water Right No. 43–3825 (Application No. A36642) and Water Right No. 43–3827 (Application No. A36644).

(f) UINTAH INDIAN IRRIGATION PROJECT.—(1) Notwithstanding any other provision of law, the Secretary is authorized and directed to enter into a contract or cooperative agreement with, or make a grant to the Uintah Indian Irrigation Project Operation and Maintenance Company, or any other organization representing the water users within the Uintah Indian Irrigation Project area, to enable such organization to—

(A) administer the Uintah Indian Irrigation Project, or part thereof, and

(B) operate, maintain, rehabilitate, and construct all or some of the irrigation project facilities using the same administrative authority and management procedures as used by water user organizations formed under State laws who administer, operate, and maintain irrigation projects.

(2) Title to Uintah Indian Irrigation Project rights-of-way and facilities shall remain in the United States. The Secretary shall retain any trust responsibilities to the Uintah Indian Irrigation Project.

(3) Notwithstanding any other provision of law, the Secretary shall use funds received from assessments, carriage agreements, leases, and all other additional sources related to the Uintah Indian Irrigation Project exclusively for Uintah Indian Irrigation Project administration, operation, maintenance, rehabilitation, and construction where appropriate. Upon receipt, the Secretary shall deposit such funds in an account in the Treasury of the United States. Amounts in the account not currently needed shall earn interest at the rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding obligations of the United States with remaining periods to maturity comparable to the period for which such funds are not currently needed. Amounts in the account shall be available, upon appropriation by Congress.

(4) All noncontract costs, direct and indirect, required to administer the Uintah Indian Irrigation Project shall be nonreimbursable and paid for by the Secretary as part of his trust responsibilities, beginning on the date of enactment of this Act. Such costs shall include (but not be limited to) the noncontract cost positions of project manager or engineer and two support staff. Such costs shall be added to the funding of the Uintah and Ouray Agency of the Bureau of Indian Affairs as a line item.

(5) The Secretary is authorized to sell, lease, or otherwise make available the use of irrigation project equipment to a water user organization which is under obligation to the Secretary to administer, operate, and maintain the Uintah Indian Irrigation Project or part thereof.

(6) The Secretary is authorized to lease or otherwise make available the use of irrigation project facilities to a water user organization which is under obligation to the Secretary to administer, operate, and maintain the Uintah Indian Irrigation Project or part thereof.

(g) BRUSH CREEK AND JENSEN UNIT.—(1) The Secretary is authorized to enter into Amendatory Contract No. 6–05–01–00143, as last revised on September 18, 1988, between the United States and the Uintah Water Conservancy District, which provides, among other things, for part of the municipal and industrial water obligation now the responsibility of the Uintah Water Conservancy District to be retained by the United States with a corresponding part of the water supply to be controlled and marketed by the United States. Such water shall be marketed and used in conformance with State law.

(2) The Secretary, through the Bureau, shall—

(A) establish a conservation pool of 4,000 acre-feet in Red Fleet Reservoir for the purpose of enhancing associated fishery and recreational opportunities and for such other purposes as may be recommended by the Commission in consultation with the Utah Division of Wildlife Resources, United States Fish and Wildlife Service, and the Utah Division of Parks and Recreation; and

(B) enter into an agreement with the Utah Division of Parks and Recreation for the management and operation of Red Fleet recreational facilities.

SEC. 204. NON-FEDERAL CONTRIBUTION.

The non-Federal share of the cost for the design, engineering, and construction of the Central Utah Project features authorized by sections 202 and 203 shall be 35 percent of the total costs and shall be paid concurrently with the Federal share, except that for the facilities specified in section 202(a)(6), the cost-share shall be 35 percent of the costs allocated to irrigation beyond the ability of irrigators to repay. The non-Federal share of the cost for studies required by sections 202 and 203, other than the study required by sections 202(a)(5), shall be 50 percent and shall be paid concurrently with the Federal share. Any feature or study to which this section applies shall not be cost shared until after the non-Federal interests enter into binding agreements with the appropriate Federal authority to provide the share required by this section. The District may commence such studies prior to entering into binding agreements and upon execution of binding agreements the Secretary shall reimburse the District an amount equal to the Federal share of the funds expended by the District.

SEC. 205. DEFINITE PLAN REPORT AND ENVIRONMENTAL COMPLIANCE.

(a) DEFINITE PLAN REPORT AND FEASIBILITY STUDIES.—Except for amounts required for compliance with applicable environmental laws and the purposes of this subsection, amounts may not be obligated or expended for the features authorized in section 202(a)(1) or 203 until—

(1) the Secretary or the District, at the option of the District, completes—

(A) a Definite Plan Report for the system authorized in section 202(a)(1), or

(B) an analysis to determine the feasibility of the separate features described in section 203(a), paragraphs (1) through (4), or subsection (f);

(2) the requirements of the National Environmental Policy Act of 1969 have been satisfied with respect to the particular system; and

(3) a plan has been developed with and approved by the United States Fish and Wildlife Service to prevent any harmful contamination of waters due to concentrations of selenium or other such toxicants, if the Service determines that development of the particular system may result in such contamination.

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS AND THE TERMS OF THIS ACT.—Notwithstanding any other provision of this Act, Federal funds authorized under this title may not be provided to any non-Federal interests until any such interest enters into binding agreements with the appropriate Federal authority to be considered a "Federal Agency" for purposes of compliance with all Federal fish, wildlife, recreation, and environmental laws with respect to the use of such funds, and to comply with this Act.

(c) INITIATION OF REPAYMENT.—For purposes of repayment of costs obligated and expended prior to the date of enactment of this Act, the Definite Plan Report shall be considered as being filed and approved by the Secretary, and repayment of such costs shall be initiated by the Secretary of Energy at the earliest possible date. All the costs allocated to irrigation and associated with construction of the Strawberry Collection System, a component of the Bonneville Unit, obligated prior to the date of enactment of this Act shall be included by the Secretary of Energy in the costs specified in this subsection.

(d) Of the amounts authorized in section 201, the Secretary is directed to make such sums as are necessary available to the District for the completion of the plans, studies, and analyses required by this section pursuant to the cost sharing provisions of section 204.

(e) CONTENT AND APPROVAL OF THE DEFINITE PLAN REPORT.—The Definite Plan Report required under this section shall include economic analyses consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (March 10, 1983). The Secretary may withhold approval of the Definite Plan Report only on the basis of the inadequacy of the document, and specifically not on the basis of the findings of its economic analyses.

SEC. 206. LOCAL DEVELOPMENT IN LIEU OF IRRIGATION AND DRAINAGE.

(a) OPTIONAL REBATE TO COUNTIES.—(1) After two years from the date of enactment of this Act, the District shall, at the option of an eligible county as provided in paragraph (2), rebate to such county all of the ad valorem tax contributions paid by such county to the District, with interest but less the value of any benefits received by such county and less the administrative expenses incurred by the District to that date.

(2) Counties eligible to receive the rebate provided for in paragraph (1) include any county within the District, except for Salt Lake County and Utah County, in which the construction of Central Utah Project water storage or delivery features authorized in this Act has not commenced and—

(A) in which there are no binding contracts as required under section 202(1)(C); or

(B) in which the authorization for the project or feature was repealed pursuant to section 201(b) or expired pursuant to section 202(a)(1)(B) of this Act.

(b) LOCAL DEVELOPMENT OPTION.—(1) Upon the request of any eligible county that elects not to participate in the project as provided in subsection (a), the Secretary shall provide as a grant to such county an amount that, when matched with the rebate received by such county, shall constitute 65 percent of the cost of implementation of measures identified in paragraph (2).

(2)(A) The grant provided for in this subsection shall be available for the following purposes:

(i) Potable water distribution and treatment.

(ii) Wastewater collection and treatment.

(iii) Agricultural water management.

(iv) Other public infrastructure improvements as may be approved by the Secretary.

(B) Funds made available under this subsection may not be used for—

(i) draining of wetlands;

(ii) dredging of natural water courses;

(iii) planning or constructing water impoundments of greater than 5,000 acre-feet, except for the proposed Hatch Town Dam on the Sevier River in southern Garfield County, Utah.

(C) All Federal environmental laws shall be applicable to any projects or features developed pursuant to this section.

(3) Of the amounts authorized to be appropriated by section 201, not more than $40,000,000 may be available for the purposes of this subsection.

SEC. 207. WATER MANAGEMENT IMPROVEMENT.

(a) PURPOSES.—The purposes of this section are, through such means as are cost-effective and environmentally sound, to—

(1) encourage the conservation and wise use of water;

(2) reduce the probability and duration of periods necessitating extraordinary curtailment of water use;

(3) achieve beneficial reductions in water use and system costs;

(4) prevent or eliminate unnecessary depletion of waters in order to assist in the improvement and maintenance of water quantity, quality, and streamflow conditions necessary to augment water supplies and support fish, wildlife, recreation, and other public benefits;

(5) make prudent and efficient use of currently available water prior to any importation of Bear River water into Salt Lake County, Utah; and

(6) provide a systematic approach to the accomplishment of these purposes and an objective basis for measuring their achievement.

(b) WATER MANAGEMENT IMPROVEMENT PLAN.—The District, after consultation with the State and with each petitioner of project water, shall prepare and maintain a water management improvement plan. The first plan shall be submitted to the Secretary by January 1, 1995. Every three years thereafter the District shall prepare and submit a supplement to this plan. The Secretary shall either approve or disapprove such plan or supplement thereto within six months of its submission.

(1) ELEMENTS.—The plan shall include the following elements:

(A) A water conservation goal, consisting of the greater of the following two amounts for each petitioner of project water:

(i) 25 percent of each petitioner's projected increase in annual water deliveries between the years 1990 and 2000, or such later ten year period as the District may find useful for planning purposes; or

(ii) the amount by which unaccounted for water or, in the case of irrigation entities, transport losses, exceeds 10 percent of recorded annual water deliveries.

The minimum goal for the District shall be 30,000 acre-feet per year. In the event that the pipeline conveyance system described in section 202(a)(1)(A) is not constructed due to expiration of the authorization pursuant to section 202(a)(1)(B), the minimum goal for the District shall be reduced by 5,000 acre-feet per year. In the event that the Wasatch County Water Efficiency Project authorized in section 202(a)(3)(B) is not constructed due to expiration of the authorization pursuant to section 202(a)(3)(D), the minimum goal for the District shall be reduced by 5,000 acre-feet per year. In the event the water supply which would have been supplied by the pipeline conveyance system described in section 202(a)(1)(A) is made available and delivered to municipal and industrial or agricultural petitioners in Salt Lake, Utah or Juab Counties subsequent to the expiration of the authorization pursuant to section 202(a)(1)(B), the minimum goal for the District shall increase 5,000 acre-feet per year. In no event shall the minimum goal for the District be less than 20,000 acre-feet per year.

(B) A water management improvement inventory, containing—

(i) conservation measures to improve the efficiency of the storage, conveyance, distribution, and use of water in a manner that contributes to the accomplishment of the purposes of this section, exclusive of any measures promulgated pursuant to subsection (f)(2) (A) through (D);

(ii) the estimated economic and financial costs of each such measure;

(iii) the estimated water yield of each such measure; and

(iv) the socioeconomic and environmental effects of each such measure.

(C) A comparative analysis of each cost-effective and environmentally sound measure.

(D) A schedule of implementation for the following five years.

(E) An assessment of the performance of previously implemented conservation measures, if any. Not less than ninety days prior to its transmittal to the Secretary, the plan, or plan supplement, together with all supporting documentation demonstrating compliance with this section, shall be made available by the District for public review, hearing, and comment. All significant comments, and the District's response thereto, shall accompany the plan transmitted to the Secretary.

(2) EVALUATION OF CONSERVATION MEASURES.—

(A) Any conservation measure proposed to the District by the Executive Director of the Utah Department of Natural Resources shall be added to the water management improvement inventory and evaluated by the District. Any conservation measure, up to a cumulative five in number within any three-year period, submitted by nonprofit sportsmen or environmental organizations shall be added to the water management improvement inventory and evaluated by the District.

(B) Each conservation measure that is found to be cost-effective, without significant adverse impact to the financial integrity of the District or a petitioner of project water or without significant adverse environmental impact, and in the public interest shall be deemed to constitute the "active inventory." For purposes of this section, the determination of benefits shall take into account:

(i) the value of saved water, to be determined, in the case of municipal water, on the basis of the project municipal and industrial repayment obligation of the District, but in no case less than $200 per acre-foot, and, in the case of irrigation water, on the basis of operation, maintenance, and replacement costs plus the "full cost" rate for irrigation computed in accordance with section 202(3) of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390bb), but in no case less than $50 per acre-foot;

(ii) the reduced cost of wastewater treatment, if any;

(iii) net additional hydroelectric power generation, if any, valued at avoided cost;

(iv) net savings in operation, maintenance, and replacement costs; and

(v) net savings in on-farm costs.

(3) IMPLEMENTATION.—The District, and each petitioner of project water, as appropriate, shall implement and maintain, consistent with State law, conservation measures placed in the active inventory to the maximum practical extent necessary to achieve 50 percent of the water conservation goal within seven years after submission of the initial plan and 100 percent of the water conservation goal within fifteen years after submission of the initial plan. Priority shall be given to implementation of the most cost-effective measures that are—

(A) found to reduce consumptive use of water without significant adverse impact to the financial integrity of the District or the petitioner of project water;

(B) without significant adverse environmental impact; and

(C) found to be in the public interest.

(4) USE OF SAVED WATER.—All water saved by any conservation measure implemented by the District or a petitioner of project water under subsection (b)(3) may be retained by the District or the petitioner of project water which saved such water for its own use or disposition. The specific amounts of water saved by any conservation measure implemented under subsection (b)(3) shall be based upon the determination of yield under paragraph (b)(1)(B)(iii), and as may be confirmed or modified by assessment pursuant to paragraph (b)(1)(E). Each petitioner of project water may make available to the District water in an amount equivalent to the water saved, which the District may make available to the Secretary for instream flows in addition to the stream flow requirements established by section 303. Such instream flows shall be released from project facilities, subject to space available in project conveyance systems, to at least one watercourse in the Bonneville and Uinta River Basins, respectively, to be designated by the United States Fish and Wildlife Service as recommended by the Interagency Biological Assessment Team. Such flows shall be protected against appropriation in the same manner as the minimum streamflow requirements established by section 303. The Secretary shall reduce the annual contractual repayment obligation of the District equal to the project rate for delivered water, including operation and maintenance expenses, for water saved and accepted by the Secretary for instream flows pursuant to this subsection. The District shall credit or rebate to each petitioner of project water its proportionate share of the District's repayment savings for reductions in deliveries of project water as a result of this subsection.

(5) STATUS REPORT ON THE PLANNING PROCESS.—Prior to January 1, 1993, the District shall establish a continuous process for the identification, evaluation, and implementation of water conservation measures to achieve the purposes of this section, and submit a report thereon to the Secretary. The report shall include a description of this process, including its financial resources, technical support, public involvement, and identification of staff responsible for its development and implementation.

(c) WATER CONSERVATION PRICING STUDY.—

(1) Within three years from the date of enactment of this Act, the District, after consultation with the State and each petitioner of project water, shall prepare and transmit to the Sec-

retary a study of wholesale and retail pricing to encourage water conservation as described in this subsection, together with its conclusions and recommendations.

(2) The purposes of this study are—

(A) to design and evaluate potential rate designs and pricing policies for water supply and wastewater treatment within the District boundary;

(B) to estimate demand elasticity for each of the principal categories of end use of water within the District boundary;

(C) to quantify monthly water savings estimated to result from the various designs and policies to be evaluated; and

(D) to identify a water pricing system that reflects the incremental scarcity value of water and rewards effective water conservation programs.

(3) Pricing policies to be evaluated in the study shall include but not be limited to the following, alone and in combination:

(A) recovery of all costs, including a reasonable return on investment, through water and wastewater service charges;

(B) seasonal rate differentials;

(C) drought year surcharges;

(D) increasing block rate schedules;

(E) marginal cost pricing;

(F) rates accounting for differences in costs based upon point of delivery; and

(G) rates based on the effect of phasing out the collection of ad valorem property taxes by the District and the petitioners of project water over a five-year and ten-year period.

The District may incorporate policies developed by the study in the Water Management Improvement Plan prepared under subsection (b).

(4) Not less than ninety days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including public hearings. All significant comments, and the District's response thereto, shall accompany the study transmitted to the Secretary.

(5) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any policies or recommendations contained in the study.

(d) STUDY OF COORDINATED OPERATIONS.—

(1) Within three years from the date of enactment of this Act, the District, after consultation with the State and each petitioner of project water, shall prepare and transmit to the Secretary a study of the coordinated operation of independent municipal and industrial and irrigation water systems, together with its conclusions and recommendations. The District shall evaluate cost-effective flexible operating procedures that will—

(A) improve the availability and reliability of water supply;

(B) coordinate the timing of reservoir releases under existing water rights to improve instream flows for fisheries, wildlife, recreation, and other environmental values, if possible;

(C) assist in managing drought emergencies by making more efficient use of facilities;

(D) encourage the maintenance of existing wells and other facilities which may be placed on stand-by status when water deliveries from the project become available;

(E) allow for the development, protection, and sustainable use of groundwater resources in the District boundary;

(F) not reduce the benefits that would be generated in the absence of the joint operating procedures; and

(G) integrate management of surface and groundwater supplies and storage capability.

The District may incorporate measures developed by the study in the Water Management Improvement Plan prepared under subsection (b).

(2) Not less than ninety days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including public hearings. All significant comments, and the District's response thereto, shall accompany the study transmitted to the Secretary.

(3) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any operating procedures, conclusions, or recommendations contained in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) For an amount not to exceed 50 percent of the cost of conducting the studies identified in subsections (c) and (d) and developing the plan identified in subsection (b), $3,000,000 shall be available from the amount authorized to be appropriated by section 201, and shall remain available until expended. Such Federal share shall be allocated among project purposes in the same proportions as the joint costs of the Strawberry Collection System, and shall be repaid in the manner of repayment for each such purpose.

(2) For an amount not to exceed 65 percent of the cost of implementation of the conservation measures in accordance with subsection (b), $50,000,000 shall be available from the amount authorized to be appropriated in section 201, and shall remain available until expended. $10,000,000 authorized by this paragraph shall be made first available for conservation measures in Wasatch County identified in the study pursuant to section 202(a)(3)(A) which measures satisfy the requirements of subsection (B)(2)(b).

(f) UTAH WATER CONSERVATION ADVISORY BOARD.—(1) Prior to March 31, 1992, the Governor of the State may establish a board consisting of nine members to be known as the Utah Water Conservation Advisory Board, with the duties described in this subsection. In the event that the Governor does not establish said board by such date, the Secretary shall establish a Utah Water Conservation Advisory Board consisting of nine members appointed by the Secretary from a list of names supplied by the Governor.

(2) The Board shall recommend water conservation standards and regulations for promulgation by State or local authorities in the service area of each petitioner of project water, including but not limited to the following:

(A) metering or measuring of water to all customers, to be accomplished within five years. (For purposes of this paragraph, residential buildings of more than four units may be considered as single customers.);

(B) elimination of declining block rate schedules from any system of water or wastewater treatment charges;

(C) a program of leak detection and repair that provides for the inspection of all conveyance and distribution mains, and the performance of repairs, at intervals of three years or less;

(D) low consumption performance standards applicable to the sale and installation of plumbing fixtures and fittings in new construction;

(E) requirements for the recycling and reuse of water by all newly constructed commercial laundries and vehicle wash facilities;

(F) requirements for soil preparation prior to the installation or seeding of turf grass in new residential and commercial construction;

(G) requirements for the insulation of hot water pipes in all new construction;

(H) requirements for the installation of water recycling or reuse systems on any newly installed commercial and industrial water-operative air-conditioning and refrigeration systems;

(I) standards governing the sale, installation, and removal of self-regenerating water softeners, including the identification of public water supply system service areas where such devices are prohibited, and the establishment of standards for the control of regeneration in all newly installed devices; and

(J) elimination of evaporation as a principal method of wastewater treatment.

(3) Any water conserved by implementation of subparagraphs (A), (B), (C), (D), or (F) of paragraph (2) shall not be credited to the conservation goal specified under subparagraph (b)(1)(A). All other water conserved shall be credited to the conservation goal specified under subparagraph (b)(1)(A).

(4) The Governor may waive the applicability of paragraphs (2)(D) through (2)(H) above to any petitioner of project water that provides water entirely for irrigation use.

(5) Prior to January 1, 1993, the board shall transmit to the Governor and the Secretary the recommended standards and regulations referred to in subparagraph (f)(2) in such form as, in the judgment of the Board, will be most likely to be promulgated by January 1, 1994, and the failure of the board to do so shall be deemed substantial noncompliance.

(6) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any standards or regulations recommended by the Utah Water Conservation Advisory Board.

(g) COMPLIANCE.—(1) Notwithstanding subsections (c)(5), (d)(3) or (f)(6), if the Secretary after ninety days written notice to the District, determines that the plan referred to in subsection (b) has not been developed and implemented or the studies referred to in subsections (c) and (d) have not been completed or transmitted as provided for in this section, the District shall pay a surcharge for each year of substantial noncompliance as determined by the Secretary. The amount of the surcharge shall be:

(A) for the first year of substantial noncompliance, 5 percent of the District's annual Bonneville Unit repayment obligation to the Secretary;

(B) for the second year of substantial noncompliance, 10 percent of the District's annual Bonneville Unit repayment obligation to the Secretary; and

(C) for the third year of substantial noncompliance and any succeeding year of substantial noncompliance, 15 percent of the District's annual Bonneville Unit repayment obligation to the Secretary.

(2) If the Secretary determines that compliance has been accomplished within twelve months after a determination of substantial noncompliance, the Secretary shall refund 100 percent of the surcharge levied.

(h) RECLAMATION REFORM ACT OF 1982.—Compliance with this section shall be deemed as compliance with section 210 of the Reclamation Reform Act of 1982 (96 Stat. 1268; 43 U.S.C. 390jj) by the District and each petitioner of project water.

(i) JUDICIAL REVIEW.—(1) For the purposes of sections 701 through 706 of title 5 (U.S.C.), the determinations made by the Secretary under subsections (b), (f)(1) or (g) shall be final actions subject to judicial review.

(2) The record upon review of such final actions shall be limited to the administrative record compiled in accordance with sections 701 through 706 of title 5 (U.S.C.). Nothing in this subsection shall be construed to require a hearing pursuant to sections 554, 556, or 557 of title 5 (U.S.C.).

(3) Nothing in this subsection shall be construed to preclude judicial review of other final actions and decisions by the Secretary.

(j) CITIZEN SUITS.—(1) IN GENERAL.—Any person may commence a civil suit on their own behalf against only the Secretary for any deter-

mination made by the Secretary under this section which is alleged to have violated, is violating, or is about to violate any provision of this section or determination made under this section.

(2) JURISDICTION AND VENUE.—The district courts shall have jurisdiction to prohibit any violation by the Secretary of this section, to compel any action required by this section, and to issue any other order to further the purposes of this section. An action under this subsection may be brought in the judicial district where the alleged violation occurred or is about to occur, where fish, wildlife, or recreation resources are located, or in the District of Columbia.

(3) LIMITATIONS.—(A) No action may be commenced under paragraph (1) before sixty days after written notice of the violation has been given to the Secretary.

(B) Notwithstanding subparagraph (A), an action may be brought immediately after such notification in the case of an action under this section respecting an emergency posing a significant risk to the well-being of any species of fish or wildlife.

(C) Subparagraph (A) is intended to provide reasonable notice where possible and not to affect the jurisdiction of the courts.

(4) COSTS AWARDED BY THE COURT.—The court may award costs of litigation (including reasonable attorney and expert witness fees and expenses) to any party, other than the United States, whenever the court determines such award is appropriate.

(5) DISCLAIMER.—The relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief.

(k) PRESERVATION OF STATE LAW.—Nothing in this section shall be deemed to preempt or supersede State law.

SEC. 208. LIMITATION ON HYDROPOWER OPERATIONS.

(a) LIMITATION.—Power generation facilities associated with the Central Utah Project and other features specified in titles II through V of this Act shall be operated and developed in accordance with the Act of April 11, 1956 (70 Stat. 109; 43 U.S.C. 620f).

(b) COLORADO RIVER BASIN WATERS.—Use of Central Utah Project water diverted out of the Colorado River Basin for power purposes shall only be incidental to the delivery of water for other authorized project purposes. Diversion of such waters out of the Colorado River Basin exclusively for power purposes is prohibited.

SEC. 209. OPERATING AGREEMENTS.

The District, in consultation with the Commission, the Utah Division of Water Rights and the Bureau, shall apply its best efforts to achieve operating agreements for the Jordanelle Reservoir, Deer Creek Reservoir, Utah Lake and Strawberry Reservoir by January 1, 1993.

SEC. 210. JORDAN AQUEDUCT PREPAYMENT.

Under such terms as the Secretary shall prescribe, and prior to October 1, 1992, the Secretary shall allow for the prepayment, or shall otherwise dispose of, repayment contracts entered into among the United States, the District, the Metropolitan Water District of Salt Lake City, and the Salt Lake County Water Conservancy District, dated May 16, 1986, providing for repayment of the Jordan Aqueduct System. In carrying out this section, the Secretary shall take such actions as he deems appropriate to accommodate, effectuate, and otherwise protect the rights and obligations of the United States and the obligors under the contracts executed to provide for payment of such repayment contracts.

SEC. 211. AUDIT OF CENTRAL UTAH PROJECT COST ALLOCATIONS.

Not later than one year after the date on which the Secretary declares the Central Utah Project to be substantially complete, the Comptroller General of the United States shall conduct an audit of the allocation of costs of the Central Utah Project to irrigation, municipal and industrial, and other project purposes and submit a report of such audit to the Secretary and to the Congress. The audit shall be conducted in accordance with regulations which the Comptroller General shall prescribe not later than one year after the date of enactment of this Act. Upon a review of such report, the Secretary shall reallocate such costs as may be necessary. Any amount allocated to municipal and industrial water in excess of the total maximum repayment obligation contained in repayment contracts dated December 28, 1965, and November 26, 1985, shall be deferred for as long as the District is not found to be in substantial noncompliance with the water management improvement program provided in section 207 and the stream flows provided in title III are maintained. If at any time the Secretary finds that such program is in substantial noncompliance or that such stream flows are not being maintained, the Secretary shall, within six months of such finding and after public notice, take action to initiate repayment of all such reimbursable costs.

SEC. 212. CROPS FOR WHICH AN ACREAGE REDUCTION PROGRAM IS IN EFFECT.

Notwithstanding any other provision of law relating to a charge for irrigation water supplied to crops for which an acreage reduction program is in effect until the construction costs of the facilities authorized by this title are repaid, the Secretary is directed to charge an acreage reduction program production charge equal to 10 percent of full cost, as defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb), for the delivery of project water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provisions of the Agricultural Act of 1949 if the stocks of such commodity held in storage by the Commodity Credit Corporation exceed an amount that the Secretary of Agriculture determines is necessary to provide for a reserve of such commodity that can reasonably be expected to meet a shortage of such commodity caused by drought, natural disaster, or other disruption in the supply of such commodity, as determined by the Secretary of Agriculture. The Secretary of the Interior shall announce the amount of the acreage reduction program crop production charge for the succeeding year on or before July 1 of each year.

TITLE III—FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION

SEC. 301. UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION.

(a) PURPOSE.—(1) The purpose of this section is to provide for the prompt establishment of the Utah Reclamation Mitigation and Conservation Commission in order to coordinate the implementation of the mitigation and conservation provisions of this Act among the Federal and State fish, wildlife, and recreation agencies.

(2) This section, together with applicable environmental laws and the provisions of other laws applicable to mitigation, conservation and enhancement of fish, wildlife, and recreation resources within the State, are all intended to be construed in a consistent manner. Nothing herein is intended to limit or restrict the authorities or opportunities of Federal, State, or local governments, or political subdivisions thereof, to plan, develop, or implement mitigation, conservation, or enhancement of fish, wildlife, and recreation resources in the State in accordance with other applicable provisions of Federal or State law.

(b) ESTABLISHMENT.—(1) There is established a commission to be known as the Utah Reclamation Mitigation and Conservation Commission.

(2) The Commission shall expire twenty years from the end of the fiscal year during which the Secretary declares the Central Utah Project to be substantially complete. The Secretary shall not declare the project to be substantially complete at least until such time as the mitigation and conservation projects and features provided for in section 315 have been completed in accordance with the fish, wildlife, and recreation mitigation and conservation schedule specified therein.

(c) DUTIES.—The Commission shall—

(1) formulate the policies and objectives for the implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in this Act;

(2) administer in accordance with subsection (f) the expenditure of funds for the implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in this Act;

(3) be considered a Federal agency for purposes of compliance with the requirements of all Federal fish, wildlife, recreation, and environmental laws, including (but not limited to) the Fish and Wildlife Coordination Act, the National Environmental Policy Act of 1969, and the Endangered Species Act of 1973; and

(4) develop, adopt, and submit plans and reports of its activities in accordance with subsection (g).

(d) MEMBERSHIP.—(1) The Commission shall be composed of five members appointed by the President within six months of the date of enactment of this Act, as follows:

(A) One from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish or wildlife matters or environmental conservation matters, submitted by the Speaker of the House of Representatives upon the recommendation of the Members of the House of Representatives representing the State.

(B) One from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish or wildlife matters or environmental conservation matters, submitted by the majority leader of the Senate upon the recommendation of the Members of the Senate representing the State.

(C) One from a list of residents of the State submitted by the Governor of the State composed of State wildlife resource agency personnel.

(D) One from a list of residents of the State submitted by the District.

(E) One from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish and wildlife matters or environmental conservation matters and have been recommended by Utah nonprofit sportsmen's or environmental organizations, submitted by the Governor of the State.

(2)(A) Except as provided in subparagraph (B), members shall be appointed for terms of four years.

(B) Of the members first appointed—

(i) the member appointed under paragraph (1)(C) shall be appointed for a term of three years; and

(ii) the member appointed under paragraph (1)(D) shall be appointed for a term of two years.

(3) A vacancy in the Commission shall be filled within ninety days and in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member

may serve after the expiration of his term until his successor has taken office.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be paid at a rate equal to the daily equivalent of the maximum of the annual rate of basic pay in effect for grade GS–15 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(B) Members of the Commission who are full-time officers or employees of the United States or the State of Utah shall receive no additional pay by reason of their service on the Commission.

(5) Three members of the Commission shall constitute a quorum but a lesser number may hold public meetings authorized by the Commission.

(6) The Chairman of the Commission shall be elected by the members of the Commission. The term of office of the Chairman shall be 1 year.

(7) The Commission shall meet at least quarterly and may meet at the call of the Chairman or a majority of its members.

(e) DIRECTOR AND STAFF OF COMMISSION; USE OF CONSULTANTS.—(1) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule.

(2) With the approval of the Commission, the Director may appoint and fix the pay of such personnel as the Director considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(3) With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–15 of the General Schedule.

(4) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

(5) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(6) In times of emergency, as defined by rule by the Commission, the Director may exercise the full powers of the Commission until such times as the emergency ends or the Commission meets in formal session.

(f) IMPLEMENTATION OF MITIGATION AND CONSERVATION MEASURES.—(1) The Commission shall administer the mitigation and conservation funds available under this Act to conserve, mitigate, and enhance fish, wildlife, and recreation resources affected by the development and operation of Federal reclamation projects in the State of Utah. Such funds shall be administered in accordance with this section, the mitigation and conservation schedule in section 315 of this Act, and, if in existence, the applicable five-year plan adopted pursuant to subsection (g). Expenditures of the Commission pursuant to this section shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law.

(2) REALLOCATION OF SECTION 8 FUNDS.—Notwithstanding any provision of this Act which provides that a specified amount of section 8 funds available under this Act shall be available only for a certain purpose, if the Commission determines, after public involvement and agency consultation as provided in subsection (g)(3), that the benefits to fish, wildlife, or recreation will be better served by allocating such funds in a different manner, then the Commission may reallocate any amount so specified to achieve such benefits: Provided, however, That the Commission shall obtain the prior approval of the United States Fish and Wildlife Service for any reallocation from fish or wildlife purposes to recreation purposes of any of the funds authorized in the schedule in section 315.

(3) CONTRACTING AUTHORITY.—The Commission shall, for the purpose of carrying out this Act, enter into and perform such contracts, leases, grants, cooperative agreements, or other similar transactions, including the amendment, modification, or cancellation thereof and make the compromise of final settlement of any claim arising thereunder, with universities, nonprofit organizations, and the appropriate public natural resource management agency or agencies, upon such terms and conditions and in such manner as the Commission may deem to be necessary or appropriate, for the implementation of the mitigation and conservation projects and features authorized in this Act, including actions necessary for compliance with the National Environmental Policy Act of 1969.

(g) PLANNING AND REPORTING.—(1) Beginning with the first fiscal year after all members of the Commission are appointed initially, and every five years thereafter, the Commission shall develop and adopt by March 31 a plan for carrying out its duties during each succeeding five-year period. Each such plan shall consist of the specific objectives and measures the Commission intends to administer under subsection (f) during the plan period to implement the mitigation and conservation projects and features authorized in this Act.

(2) FINAL PLAN.—Within six months prior to the expiration of the Commission pursuant to this Act, the Commission shall develop and adopt a plan which shall—

(A) establish goals and measurable objectives for the mitigation and conservation of fish, wildlife, and recreation resources during the five-year period following such expiration; and

(B) recommend specific measures for the expenditure of funds from the Account established under section 402 of this Act.

(3) PUBLIC INVOLVEMENT AND AGENCY CONSULTATION.—(A) Promptly after the Commission is established under this section, and in each succeeding fiscal year, the Commission shall request from the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and county and municipal entities, and the public, recommendations for objectives and measures to implement the mitigation and conservation projects and features authorized in this Act or amendments thereto. The Commission shall establish by rule a period of time not less than ninety days in length within which to receive such recommendations, as well as the format for and the information and supporting data that is to accompany such recommendations.

(B) The Commission shall give notice of all recommendations and shall make the recommendations and supporting documents available to the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and the public. Copies of such recommendations and supporting documents shall be made available for review at the offices of the Commission and shall be available for reproduction at reasonable cost.

(C) The Commission shall provide for public involvement regarding the recommendations and supporting documents within such reasonable time as the Commission by rule deems appropriate.

(4) The Commission shall develop and amend the plans on the basis of such recommendations, supporting documents, and views and information obtained through public involvement and agency consultation. The Commission shall give due consideration to all substantive recommendations and measures received pursuant to section 301(g)(3)(A), and shall incorporate recommendations received from Federal and State resource agencies, county and municipal entities, and the appropriate Indian tribes, unless the Commission, in its sole judgment, determines that doing so would be inconsistent with the purposes of this Act or would interfere with or prevent the Commission from fulfilling the duties and responsibilities assigned to it in this Act, or result in inefficient or impractical resource management practices. The Commission shall include in its plan a written description of the recommendations received and adopted. In addition, the Commission shall include in its detailed report to Congress required under paragraph (g)(5) a summary of the recommendations received with a written finding explaining why such recommendations were adopted or rejected. The Commission shall include in the plans measures which it determines, on the basis set forth in paragraph (f)(1), will—

(A) restore, maintain, or enhance the biological productivity and diversity of natural ecosystems within the State and have substantial potential for providing fish, wildlife, and recreation mitigation and conservation opportunities;

(B) be based on, and supported by, the best available scientific knowledge;

(C) utilize, where equally effective alternative means of achieving the same sound biological or recreational objectives exist, the alternative that will also provide public benefits through multiple resource uses;

(D) complement the existing and future activities of the Federal and State fish, wildlife, and recreation agencies and appropriate Indian tribes;

(E) utilize, when available, cooperative agreements and partnerships with private landowners and nonprofit conservation organizations; and

(F) be consistent with the legal rights of appropriate Indian tribes.

Enhancement measures may be included in the plans to the extent such measures are designed to achieve improved conservation or mitigation of resources.

(5) AGENCY CONCURRENCE.—Commission plans developed in accordance with this subsection, or implemented under subsection (f), that affect National Forest System lands shall be subject to review and concurrence by the Secretary of Agriculture.

(6) REPORTING.—(A) Beginning on December 1 of the first fiscal year in which all members of the Commission are appointed initially, the Commission shall submit annually a detailed report to the Committee on Energy and Natural Resources of the Senate, to the Committees on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives, to the Secretary, and to the Governor of the State. The report shall describe the actions taken and to be taken by the Commission under this section, the effectiveness of the mitigation and conservation measures implemented to date, and potential revisions or modifications to the applicable mitigation and conservation plan.

(B) At least sixty days prior to its submission of such report, the Commission shall make a draft of such report available to the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and the public, and establish procedures for timely comments thereon. The Commission shall include a summary of such comments as an appendix to such report.

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(h) DISCRETIONARY DUTIES AND POWERS.—In addition to any other duties and powers provided by law:

(1) The Commission may depart from the fish, wildlife, and recreation mitigation and conservation schedule specified in section 315 whenever the Commission determines, after public involvement and agency consultation as provided for in this Act, that such departure would be of greater benefit to fish, wildlife, or recreation; Provided, however, That the Commission shall obtain the prior approval of the United States Fish and Wildlife Service for any reallocation from fish or wildlife purposes to recreation purposes of any of the funds authorized in the schedule in section 315.

(2) The Commission may, for the purpose of carrying out this Act, (A) hold such public meetings, sit and act at such times and places, take such testimony, and receive such evidence, as a majority of the Commission considers appropriate; and, (B) meet jointly with other Federal or State authorities to consider matters of mutual interest.

(3) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Director of the Commission, the head of such department or agency shall furnish such information to the Commission. At the discretion of the department or agency, such information may be provided on a reimbursable basis.

(4) The Commission may accept, use, and dispose of appropriations, gifts or grants of money or other property, or donations of services, from whatever source, only to carry out the purposes of this Act.

(5) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(7) The Commission may acquire and dispose of personal and real property and water rights, and interests therein, through donation, purchase on a willing seller basis, sale, or lease, but not through direct exercise of the power of eminent domain, in order to carry out the purposes of this Act. This provision shall not affect any existing authorities of other agencies to carry out the purposes of this Act.

(8) The Commission may make such expenditures for offices, vehicles, furnishings, equipment, supplies, and books; for travel, training, and attendance at meetings; and for such other facilities and services as may be necessary for the administration of this Act.

(9) The Commission shall not participate in litigation, except litigation pursuant to subsection (1) or condemnation proceedings initiated by other agencies.

(i) FUNDING.—(1) Amounts appropriated to the Secretary for the Commission shall be paid to the Commission immediately upon receipt of such funds by the Secretary. The Commission shall expend such funds in accordance with this Act.

(2) For each fiscal year, the Commission is authorized to use for administrative expenses an amount equal to 10 percent of the amounts available to the Commission pursuant to this Act during such fiscal year, but not to exceed $1,000,000. Such amount shall be increased by the same proportion as the contributions to the account under section 402(b)(3)(C).

(j) AVAILABILITY OF UNEXPENDED AMOUNTS UPON COMPLETION OF CONSTRUCTION PROJECTS.—Notwithstanding any other provision of law, upon the completion of any project authorized under this title, Federal funds appropriated for that project but not obligated or expended shall be deposited in the account pursuant to section 402(b)(4)(D) and shall be available to the Commission in accordance with section 402(c)(2).

(k) TRANSFER OF PROPERTY AND AUTHORITY HELD BY THE COMMISSION.—Except as provided in section 402(b)(4)(A), upon the termination of the Commission in accordance with subsection (b)—

(1) the duties of the Commission shall be performed by the Utah Division of Wildlife Resources, which shall exercise such authority in consultation with the United States Fish and Wildlife Service, the District, the Bureau, and the Forest Service; and

(2) title to any real and personal properties then held by the Commission shall be transferred to the appropriate division within the Utah Department of Natural Resources or, for such parcels of real property as may be within the boundaries of Federal land ownerships, to the appropriate Federal agency.

(l) REPRESENTATION BY ATTORNEY GENERAL.—The Attorney General of the United States shall represent the Commission in any litigation to which the Commission is a party.

(m) CONGRESSIONAL OVERSIGHT.—The activities of the Commission shall be subject to oversight by the Congress.

(n) TERMINATION OF BUREAU ACTIVITIES.—Upon appointment of the Commission as provided in subsection (b), the responsibility for implementing section 8 funds for mitigation and conservation projects and features authorized in this Act shall be transferred from the Bureau to the Commission.

SEC. 302. INCREASED PROJECT WATER CAPABILITY.

(a) ACQUISITION.—The District shall acquire, on an expedited basis with funds to be provided by the Commission in accordance with the schedule specified in section 315, by purchase from willing sellers or exchange, 25,000 acre-feet of water rights in the Utah Lake drainage basin to achieve the purposes of this section. Water purchases which would have the effect of compromising groundwater resources or dewatering agricultural lands in the Upper Provo River areas should be avoided. Of the amounts authorized to be appropriated by section 201, $15,000,000 shall be available only for the purposes of this subsection.

(b) NONCONSUMPTIVE RIGHTS.—A nonconsumptive right in perpetuity to any water acquired under this section shall be tendered in accordance with the laws of the State of Utah within thirty days of its acquisition by the District to the Utah Division of Wildlife Resources for the purposes of maintaining instream flows provided for in section 303(c)(3) and 303(c)(4) for fish, wildlife, and recreation in the Provo River.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by section 201, $4,000,000 shall be available only to modify existing or construct new diversion structures on the Provo River below the Murdock diversion to facilitate the purposes of this section.

SEC. 303. STREAM FLOWS.

(a) STREAM FLOW AGREEMENT.—The District shall annually provide, from project water if necessary, amounts of water sufficient to sustain the minimum stream flows established pursuant to the Stream Flow Agreement.

(b) INCREASED FLOWS IN THE UPPER STRAWBERRY RIVER TRIBUTARIES.—(1) The District shall acquire, on an expedited basis with funds to be provided by the Commission, or by the Secretary in the event the Commission has not been established, in accordance with State law, the provisions of this section, and the schedule specified in section 315, all of the Strawberry basin water rights being diverted to the Heber Valley through the Daniels Creek drainage and shall apply such rights to increase minimum stream flows—

(A) in the upper Strawberry River and other tributaries to the Strawberry Reservoir;

(B) in the lower Strawberry River from the base of Soldier Creek Dam to Starvation Reservoir; and

(C) in other streams within the Uinta basin affected by the Strawberry Collection System in such a manner as deemed by the Commission in consultation with the United States Fish and Wildlife Service and the Utah State Division of Wildlife Resources to be in the best interest of fish and wildlife.

The Commission's decision under subparagraph (C) shall not establish a statutory or otherwise mandatory minimum stream flow.

(2) The District may acquire the water rights identified in paragraph (1) prior to completion of the facilities identified in paragraph (3) only by lease and for a period not to exceed two years from willing sellers or by replacement or exchange of water in kind. Such leases may be extended for one additional year with the consent of Wasatch and Utah Counties. The District shall proceed to fulfill the purposes of this subsection on an expedited basis but may not lease water from the Daniels Creek Irrigation Company before the beginning of fiscal year 1993.

(3)(A) The District shall construct with funds provided for in paragraph (4) a Daniels Creek replacement pipeline from the Jordanelle Reservoir to the existing Daniels Creek Irrigation Company water storage facility for the purpose of providing a permanent replacement of water in an amount equal to the Strawberry basin water being supplied by the District for stream flows provided in paragraph (1) which would otherwise have been diverted to the Daniels Creek drainage.

(B) Such Daniels Creek replacement water may be exchanged by the District in accordance with State law with the Strawberry basin water identified above to provide a permanent supply of water for minimum flows provided in paragraph (1). Any such permanent replacement water so exchanged into the Strawberry basin by the District shall be tendered in accordance with State law within thirty days of its exchange by the District to the Utah Division of Wildlife Resources for the purposes of providing stream flows under paragraph (1).

(C) The Daniels Creek replacement water to be supplied by the District shall be at least equal in quality and reliability to the Daniels Creek water being replaced and shall be provided by the District at a cost to the Daniels Creek Irrigation Company which does not exceed the cost of supplying existing water deliveries (including operation and maintenance) through the Daniels Creek diversion.

(4) Of the amounts authorized to be appropriated by section 201, $10,500,000 shall be available to fulfill the purposes of this section as follows:

(A) $500,000 for leasing of water pursuant to paragraph (2).

(B) $10,000,000 for construction of the Daniels Creek replacement pipeline.

(C) Funds provided by this paragraph shall not be subject to the requirements of section 204 and shall be included in the final cost allocation provided for in section 211; except that not less than $3,500,000 shall be treated as an expense under section 8, and $7,000,000 shall be treated as an expense under section 5 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 105).

(D) Funds provided for the Daniels Creek replacement pipeline may be expended so as to integrate such pipeline with the Wasatch County conservation measures provided for in section 207(e)(2) and the Wasatch County Water Efficiency Project authorized in section 202(a)(3).

(c) STREAM FLOWS IN THE BONNEVILLE UNIT.—The yield and operating plans for the Bonneville Unit of the Central Utah Project shall be established or adjusted to provide for the following minimum stream flows, which flows shall be provided continuously and in perpetuity from the date first feasible, as determined by the Commission in consultation with the United States Fish and Wildlife Service and the Utah State Division of Wildlife Resources:

(1) In the Diamond Fork River drainage subsequent to completion of the Monks Hollow Dam or other structure that rediverts water from the Diamond Fork River Drainage into the Diamond Fork component of the Bonneville Unit of the Central Utah Project—

(A) in Sixth Water Creek, from the exit of Strawberry Valley tunnel to the Last Chance Powerplant and Switchyard, not less than 32 cubic feet per second during the months of May through October and not less than 25 cubic feet per second during the months of November through April, and

(B) in the Diamond Fork River, from the bottom of the Monks Hollow Dam to the Spanish Fork River, not less than 80 cubic feet per second during the months of May through September and not less than 60 cubic feet per second during the months of October through April, which flows shall be provided by the Bonneville Unit of the Central Utah Project.

(2) In the Provo River from the base of Jordanelle Dam to Deer Creek Reservoir a minimum of 125 cubic feet per second.

(3) In the Provo River from the confluence of Deer Creek and the Provo River to the Olmsted Diversion a minimum of 100 cubic feet per second.

(4) Upon the acquisition of the water rights in the Provo Drainage identified in section 302, in the Provo River from the Olmsted Diversion to Utah Lake, a minimum of 75 cubic feet per second.

(5) In the Strawberry River, from the base of Starvation Dam to the confluence with the Duchesne River, a minimum of 15 cubic feet per second.

(d) MITIGATION OF EXCESSIVE FLOWS IN THE PROVO RIVER.—The District shall, with public involvement, prepare and conduct a study and develop a plan to mitigate the effects of peak season flows in the Provo River. Such study and plan shall be developed in consultation with the Fish and Wildlife Service, the Utah Division of Water Rights, the Utah Division of Wildlife Resources, affected water right holders and users, the Commission, and the Bureau. The study and plan shall discuss and be based upon, at a minimum, all mitigation and conservation opportunities identified through—

(1) a fishery and recreational use study that addresses anticipated peak flows;

(2) study of the mitigation and conservation opportunities possible through habitat or streambed modification;

(3) study of the mitigation and conservation opportunities associated with the operating agreements referred to in section 209;

(4) study of the mitigation and conservation opportunities associated with the water acquisitions contemplated by section 302;

(5) study of the mitigation and conservation opportunities associated with section 202(2);

(6) study of the mitigation and conservation opportunities available in connection with water right exchanges; and

(7) study of the mitigation and conservation opportunities that could be achieved by construction of a bypass flowline from the base of Deer Creek Reservoir to the Olmsted Diversion.

(e) EARMARK.—Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only for the implementation of subsection (d).

(f) STRAWBERRY VALLEY TUNNEL.—(1) Upon completion of the Diamond Fork System, the Strawberry Tunnel shall not be used except for deliveries of water for the instream purposes specified in subsection (c). All other waters for the Bonneville Unit and Strawberry Valley Reclamation Project purposes shall be delivered through the Diamond Fork System.

(2) Paragraph (1) shall not apply during any time in which the District, in consultation with the Commission, has determined that the Syar Tunnel or the Sixth Water Aqueduct is rendered unusable or emergency circumstances require the use of the Strawberry Tunnel for the delivery of contracted Central Utah Project water and Strawberry Valley Reclamation Project water.

SEC. 304. FISH, WILDLIFE, AND RECREATION PROJECTS IDENTIFIED OR PROPOSED IN THE 1988 DEFINITE PLAN REPORT FOR THE CENTRAL UTAH PROJECT.

The fish, wildlife, and recreation projects identified or proposed in the 1988 Definite Plan Report which have not been completed as of the date of enactment of this Act shall be completed in accordance with the 1988 Definite Plan Report and the schedule specified in section 315, unless otherwise provided in this Act.

SEC. 305. WILDLIFE LANDS AND IMPROVEMENTS.

(a) ACQUISITION OF RANGELANDS.—In addition to lands acquired on or before the date of enactment of this Act and in addition to the acreage to be acquired in accordance with the 1988 Definite Plan Report, the Commission shall acquire on an expedited basis from willing sellers, in accordance with the schedule specified in section 315 and a plan to be developed by the Commission, big game winter range lands to compensate for the impacts of Federal reclamation projects in Utah. Such lands shall be transferred to the Utah Division of Wildlife Resources or, for such parcels as may be within the boundaries of Federal land ownerships, to the appropriate Federal agency, for management as a big game winter range. In the case of such transfers, lands acquired within the boundaries of a national forest shall be administered by the Secretary of Agriculture as a part of the National Forest System.

(b) BIG GAME CROSSINGS AND WILDLIFE ESCAPE RAMPS.—In addition to the measures to be taken in accordance with the 1988 Definite Plan Report, the Commission shall construct big game crossings and wildlife escape ramps for the protection of big game animals along the Provo Reservoir Canal, Highline Canal, Strawberry Power Canal, and others. Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only for the purposes of this subsection.

SEC. 306. WETLANDS ACQUISITION, REHABILITATION, AND ENHANCEMENT.

(a) WETLANDS AROUND THE GREAT SALT LAKE.—Of the amounts authorized to be appropriated by section 201, $14,000,000 shall be available only for the planning and implementation of projects to preserve, rehabilitate, and enhance wetland areas around the Great Salt Lake in accordance with a plan to be developed by the Commission.

(b) INVENTORY OF SENSITIVE SPECIES AND ECOSYSTEMS.—(1) The Commission shall, in cooperation with the Utah Division of Wildlife Resources and other appropriate State and Federal agencies, inventory, prioritize, and map the occurrences in Utah of sensitive nongame wildlife species and their habitats.

(2) Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only to carry out paragraph (1) of this section.

(3) The Commission shall, in cooperation with the Utah Department of Natural Resources and other appropriate State and Federal agencies, inventory, prioritize, and map the occurrences in Utah of sensitive plant species and ecosystems.

(4) Of the amounts authorized to be appropriated by section 201, $750,000 shall be available for the Utah Natural Heritage Program only to carry out paragraph (3) of this section.

(c) UTAH LAKE WETLANDS PRESERVE.—(1) The Commission, in consultation with the Utah Division of Wildlife Resources and the United States Fish and Wildlife Service, shall, in accordance with paragraph (9), acquire private land, water rights, conservation easements, or other interests therein, necessary for the establishment of a wetlands preserve adjacent to or near the Goshen Bay and Benjamin Slough areas of Utah Lake as depicted on a map entitled "Utah Lake Wetland Preserve" and dated September, 1990. Such a map shall be on file and available for inspection in the office of the Secretary of the Interior, Washington, District of Columbia.

(2) The Secretary shall enter into an agreement under which the Wetlands Preserve acquired under subparagraph (1) shall be managed by the Utah Division of Wildlife Resources pursuant to a plan developed in consultation with the Secretary and in accordance with this Act and the substantive requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(3) The Wetlands Preserve shall be managed for the protection of migratory birds, wildlife habitat, and wetland values in a manner compatible with the surrounding farmlands, orchards, and agricultural production area. Grazing will be allowed for wildlife habitat management purposes in accordance with the Act referenced in paragraph (2) and as determined by the Division to be compatible with the purposes stated herein.

(4) Nothing in this subsection shall restrict traditional agricultural practices (including the use of pesticides) on adjacent properties not included in the preserve by acquisition or easement.

(5) Nothing in this subsection shall affect existing water rights under Utah State law.

(6) Nothing in this subsection shall grant authority to the Secretary to introduce a federally protected species into the wetlands preserve.

(7) The creation of this preserve shall not in any way interfere with the operation of the irrigation and drainage system authorized by section 202(a)(1).

(8) All water rights not appurtenant to the lands purchased for the Wetlands Preserve acquired under paragraph (1) shall be purchased from the District at an amount not to exceed the cost of the District in acquiring such rights.

(9) Of the amounts authorized to be appropriated by section 201, $16,690,000 shall be available for acquisition of the lands, water rights, and other interests therein described in paragraph (1) of this subsection for the establishment of the Utah Lake Wetland Preserve.

(10) Lands, easements, or water rights may not be acquired pursuant to this subsection without the consent of the owner of such lands or water rights.

(11) Base property of a lessee or permittee (and the heirs of such lessee or permittee) under a Federal grazing permit or lease held on the date of enactment of this Act shall include any land of such lessee or permittee acquired by the Commission under this subsection.

(12) The Commission is authorized to compensate out of funds available in section 201 landowners adjacent to the Utah Lake Wetlands Preserve who experience provable economic losses attributable to the establishment of the Preserve or provable economic losses directly resulting from Preserve management practices contrary to the provisions of this subsection or from the manipulation of water levels within the

Preserve. Total compensation for claims pursuant to this subsection shall not exceed $2,000,000: Provided, That the amount of funds available from the Commission for such compensation shall be adjusted according to the mechanism provided in section 201. The filing of a claim for compensation pursuant to this subsection shall not preclude an affected adjacent landowner from seeking other remedies or damages otherwise available under State or Federal law.

(13) Valuation of interests acquired under this subsection shall be independently determined as though the Preserve had not been established.

(14) Any property acquired under this section shall be tendered in accordance with the laws of the State of Utah within thirty days of its acquisition by the Commission to the Utah Division of Wildlife Resources.

(d) PROVO BAY.—In order to protect wetland habitat, the United States shall not issue any Federal permit which allows commercial, industrial, or residential development on the southern portion of Provo Bay in Utah Lake, as described herein and depicted on a map dated October 11, 1990, except that recreational development consistent with wildlife habitat values shall be permitted. The southern portion of Provo Bay referred to in this subsection shall be that area extending 2,000 feet out into the bay from the ordinary high water line on the south shore of Provo Bay, beginning at a point at the mouth of the Spanish Fork River and extending generally eastward along the ordinary high water line to the intersection of such line with the Provo City limit, as it existed as of October 10, 1990, on the east shore of the bay. Such a map shall be on file and available for inspection in the office of the Secretary of the Interior, Washington, District of Columbia. Nothing in this Act shall restrict present or future development of the Provo City Airport or airport access roads along the north side of Provo Bay.

SEC. 307. FISHERIES ACQUISITION, REHABILITATION, AND ENHANCEMENT.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be in addition to amounts available under the 1988 Definite Plan Report and shall be available only for fisheries acquisition, rehabilitation, and improvement within the State:

(1) $750,000 for fish habitat restoration on the Provo River between the Jordanelle and Deer Creek Reservoirs.

(2) $4,000,000 for fish habitat restoration in streams impacted by Federal reclamation projects in Utah.

(3) $1,000,000 for the restoration of tributaries of the Strawberry Reservoir to assure trout spawning recruitment.

(4) $1,500,000 for post-treatment management and fishery development costs at the Strawberry Reservoir.

(5) $1,000,000 for (A) a study to be conducted as directed by the Commission to determine the appropriate means for improving Utah Lake as a warm water fishery and other related issues; and (B) development of facilities and programs to implement management objectives.

(6) $1,000,000 for fish habitat restoration and improvements in the Diamond River and Sixth Water Creek drainages.

(7) $475,000 for fish habitat restoration of native cutthroat trout populations in streams and lakes in the Bonneville Unit project area.

(8) $2,500,000 for watershed restoration and improvements, erosion control, and wildlife habitat restoration and improvements in the Avintaquin, Red, and Currant Creek drainages and other Strawberry River drainages affected by the development of Federal reclamation projects in Utah.

SEC. 308. STABILIZATION OF HIGH MOUNTAIN LAKES IN THE UINTA MOUNTAINS.

(a) REVISION OF PLAN.—The project plan for the stabilization of high mountain lakes in the Upper Provo River drainage shall be revised to require that the following lakes will be stabilized at levels beneficial for fish habitat and recreation: Big Elk, Crystal, Duck, Fire, Island, Long, Wall, Marjorie, Pot, Star, Teapot, and Weir. Overland access by vehicles or equipment for stabilization and irrigation purposes under this subsection shall be minimized within the Lakes Management Area boundary of the Wasatch-Cache National Forest to a level of practical necessity. For purposes of this subsection, the Lakes Management Area shall be defined as depicted on the map in the Wasatch-Cache National Forest Land and Resource Management Plan.

(b) COSTS OF REHABILITATION.—(1) The costs of rehabilitating water storage features at Trial, Washington, and Lost Lakes, which are to be used for project purposes, shall be borne by the project from amounts made available pursuant to section 201. Existing roads may be used for overland access to carry out such rehabilitation.

(2) The costs of stabilizing each of the lakes referred to in subsection (a) which is to be used for a purpose other than irrigation shall be treated as an expense under section 8.

(c) FISH AND WILDLIFE HABITAT.—Of the amounts authorized to be appropriated by section 201, $5,000,000 shall be available only for stabilization and fish and wildlife habitat restoration in the lakes referred to in subsection (a). This amount shall be in addition to the $7,538,000 previously authorized for appropriation under section 5 of the Act of April 11, 1956 (43 U.S.C. 620g) for the stabilization and rehabilitation of the lakes described in this section.

SEC. 309. STREAM ACCESS AND RIPARIAN HABITAT DEVELOPMENT.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by section 201, the following amounts shall be in addition to amounts available under the 1988 Definite Plan Report and shall be available only for stream, access and riparian habitat development in the State:

(1) $750,000 for rehabilitation of the Provo River riparian habitat development between Jordanelle Reservoir and Utah Lake.

(2) $250,000 for rehabilitation and development of watersheds and riparian habitats along Diamond Fork and Sixth Water Creek.

(3) $350,000 for additional watershed rehabilitation, terrestrial wildlife and riparian habitat improvements, and road closures within the Central Utah Project area.

(4) $8,500,000 for the acquisition of additional recreation and angler accesses and riparian habitats, which accesses and habitats shall be acquired in accordance with the recommendation of the Commission.

(b) STUDY OF IMPACT TO WILDLIFE AND RIPARIAN HABITATS WHICH EXPERIENCE REDUCED WATER FLOWS AS A RESULT OF THE STRAWBERRY COLLECTION SYSTEM.—Of the amounts authorized to be appropriated by section 201, $400,000 shall be available only for the Commission to conduct a study of the impacts to soils and riparian fish and wildlife habitat in drainages that will experience substantially reduced water flows resulting from the operation of the Strawberry Collection System. The study shall identify mitigation opportunities that represent alternatives to increasing stream flows and make recommendations to the Commission.

SEC. 310. SECTION 8 EXPENSES.

Unless otherwise expressly provided, all of the amounts authorized to be appropriated by this Act and listed in the following sections shall be treated as expenses under section 8: all sections of title III, and section 402(b)(2).

SEC. 311. JORDAN AND PROVO RIVER PARKWAYS AND NATURAL AREAS.

(a) FISHERIES.—Of the amounts authorized to be appropriated by section 201, $1,150,000 shall be available only for fish habitat improvements to the Jordan River.

(b) RIPARIAN HABITAT REHABILITATION.—Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only for Jordan River riparian habitat rehabilitation, which amount shall be in addition to amounts available under the 1988 Definite Plan Report.

(c) WETLANDS.—Of the amounts authorized to be appropriated by section 201, $7,000,000 shall be available only for the acquisition of wetland acreages, including those along the Jordan River identified by the multiagency technical committee for the Jordan River Wetlands Advance Identification Study.

(d) RECREATIONAL FACILITIES.—Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only to construct recreational facilities within Salt Lake County proposed by the State of Utah for the "Provo/Jordan River Parkway", a description of which is set forth in the report accompanying the bill H.R. 429.

(2) Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only to construct recreational facilities within Utah and Wasatch Counties proposed by the State of Utah for the "Provo/Jordan River Parkway", a description of which is set forth in the report accompanying the bill H.R. 429.

(e) PROVO RIVER CORRIDOR.—Of the amounts authorized to be appropriated by section 201, $1,000,000 shall be available only for riparian habitat acquisition and preservation, stream habitat improvements, and recreation and angler access provided on a willing seller basis along the Provo River from the Murdock diversion to Utah Lake, as determined by the Commission after consultation with local officials.

SEC. 312. RECREATION.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be available to the Commission only for Central Utah Project recreation features:

(a) $2,000,000 for Utah Lake recreational improvements as proposed by the State and local governments.

(b) $750,000 for additional recreation improvements, which shall be made in accordance with recommendations made by the Commission, associated with Central Utah Project features and affected areas, including camping facilities, hiking trails, and signing.

SEC. 313. FISH AND WILDLIFE FEATURES IN THE COLORADO RIVER STORAGE PROJECT.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be available only to provide mitigation and restoration of watersheds and fish and wildlife resources in Utah impacted by the Colorado River Storage Project:

(a) HABITAT IMPROVEMENTS IN CERTAIN DRAINAGES.—$1,125,000 shall be available only for watershed and fish and wildlife improvements in the Fremont River drainage, which shall be expended in accordance with a plan developed by the Commission in consultation with the Wayne County Water Conservancy District.

(b) SMALL DAMS AND WATERSHED IMPROVEMENTS.—$4,000,000 shall be available only for land acquisition for the purposes of watershed restoration and protection in the Albion Basin in the Wasatch Mountains and for restoration and conservation related improvements to small dams and watersheds on State of Utah lands and National Forest System lands within the Central Utah Project and the Colorado River Storage Project area in Utah, which amounts shall be expended in accordance with a plan developed by the Commission.

(c) FISH HATCHERY PRODUCTION.—$22,800,000 shall be available only for the planning and implementation of improvements to existing hatchery facilities or the construction and development of new fish hatcheries to increase produc-

tion of warmwater and coldwater fishes for the areas affected by the Colorado River Storage Project in Utah. Such improvements and construction shall be implemented in accordance with a plan identifying the long-term needs and management objectives for hatchery production prepared by the United States Fish and Wildlife Service, in consultation with the Utah Division of Wildlife Resources, and adopted by the Commission. The cost of operating and maintaining such new or improved facilities shall be borne by the Secretary.

SEC. 314. CONCURRENT MITIGATION APPROPRIATIONS.

Notwithstanding any other provision of this Act, the Secretary is directed to allocate funds appropriated for each fiscal year pursuant to titles II through IV of this Act as follows:

(a) Deposit the Federal contribution to the Account authorized in section 402(b)(2); then,

(b) Of any remaining funds, allocate the amounts available for implementation of the mitigation and conservation projects and features specified in the schedule in section 315 concurrently with amounts available for implementation of title II of this Act.

(c) Of the amounts allocated for implementation of the mitigation and conservation projects and features specified in the schedule in section 315, 3 percent of the total shall be used by the Secretary to fulfill subsections (d) and (e) of this section.

(d) The Secretary shall use the sums identified in subsection (c) outside the State of Utah to—

(1) restore damaged natural ecosystems on public lands and waterways affected by the Federal Reclamation program;

(2) acquire, from willing sellers only, other lands and properties, including water rights, or appropriate interests therein, with restorable damaged natural ecosystems, and restore such ecosystems;

(3) provide jobs and sustainable economic development in a manner that carries out the other purposes of this subsection;

(4) provide expanded recreational opportunities; and

(5) support and encourage research, training, and education in methods and technologies of ecosystem restoration.

(e) In implementing subsection (d), the Secretary shall give priority to restoration and acquisition of lands and properties or appropriate interests therein where repair of compositional, structural, and functional values will—

(1) reconstitute natural biological diversity that has been diminished;

(2) assist the recovery of species populations, communities, and ecosystems that are unable to survive on-site without intervention;

(3) allow reintroduction and reoccupation by native flora and fauna;

(4) control or eliminate exotic flora and fauna that are damaging natural ecosystems;

(5) restore natural habitat for the recruitment and survival of fish, waterfowl, and other wildlife;

(6) provide additional conservation values to State and local government lands;

(7) add to structural and compositional values of existing ecological preserves or enhance the viability, defensibility, and manageability of ecological preserves; and

(8) restore natural hydrological effects including sediment and erosion control, drainage, percolation, and other water quality improvement capacity.

SEC. 315. FISH, WILDLIFE, AND RECREATION SCHEDULE.

The mitigation and conservation projects and features shall be implemented in accordance with the following schedule:

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Instream flows				
1.a Lease of Daniels Creek water rights	$500	$500	$0	$0
b. Acquisition of Daniels Creek water rights to restore Upper Strawberry River flows and the Daniels Creek replacement pipeline ($3,500,000 shall be treated as section 8) [Sec. 303(b)]	$10,000	$10,000	$0	$0
2.a. Acquisition of 25,000 AF on Provo River for streamflows from Murdock Diversion to Utah Lake [Sec. 302]	$15,000	$5,000	$5,000	$5,000
b. Modify or replace diversion structures on Provo River from Murdock Diversion to Utah Lake [Sec. 302]	$4,000	$500	$1,500	$1,500
3. Study and mitigation plan for excessive flows in the Provo River [Sec. 303(d)]	$500	$100	$100	$100
Subtotal	$30,000	$16,100	$6,600	$6,600
	FY96	FY97	FY98	
Instream flows				
1.a. Lease of Daniels Creek water rights	$0	$0	$0	
b. Acquisition of Daniels Creek water rights to restore Upper Strawberry River flows and the Daniels Creek replacement pipeline ($3,500,000 shall be treated as section 8) [Sec. 303(b)]	$0	$0	$0	
2.a. Acquisition of 25,000 AF on Provo River for streamflows from Murdock Diversion to Utah Lake [Sec. 302]	$0	$0	$0	
b. Modify or replace diversion structures on Provo River from Murdock Diversion to Utah Lake [Sec. 302]	$500	$0	$0	
3. Study and mitigation plan for excessive flows in the Provo River [Sec. 303(d)]	$100	$100	$0	
Subtotal	$600	$100	$0	
	TOTAL	FY93	FY94	FY95
Wildlife lands and improvement				
1. Acquisition of big game winter range [Sec. 305(a)]	$1,300	$0	$100	$200
2. Construction of big game crossings and escape ramps—Provo Res. Canal, Highline Canal, Strawberry Power Canal or others [Sec. 305(b)]	$750	$0	$0	$250
Subtotal	$2,050	$0	$100	$450
	FY96	FY97	FY98	
Wildlife lands and improvement				
1. Acquisition of big game winter range [Sec. 305(a)]	$500	$500	$0	
2. Construction of big game crossings and escape ramps—Provo Res. Canal, Highline Canal, Strawberry Power Canal or others [Sec. 305(b)]	$250	$250	$0	
Subtotal	$750	$750	$0	
	TOTAL	FY93	FY94	FY95
Wetland acquisition, rehabilitation, and development				
1. Rehabilitation & enhancement of wetlands around Great Salt Lake [Sec. 306(a)]	$14,000	$1,000	$2,600	$2,600
2. Wetland acquisition along the Jordan River [Sec. 311(c)]	$7,600	$300	$1,200	$1,500
3. Inventory of sensitive species and ecosystems [Sec. 306(b)]	$1,500	$250	$250	$250
4. Acquisition of lands, waters, and interests for Utah Lake Wetland Preserve [Sec. 306(c)(9)]	$16,690	$1,690	$3,000	$3,000
Subtotal	$39,790	$3,240	$7,050	$7,350
	FY96	FY97	FY98	
Wetland acquisition, rehabilitation, and development				
1. Rehabilitation & enhancement of wetlands around Great Salt Lake [Sec. 306(a)]	$2,600	$2,600	$2,600	
2. Wetland acquisition along the Jordan River [Sec. 311(c)]	$2,000	$2,600	$0	
3. Inventory of sensitive species and ecosystems [Sec. 306(b)]	$250	$250	$250	

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
4. Acquisition of lands, waters, and interests for Utah Lake Wetland Preserve [Sec. 303(c)(9)]	$3,000	$3,000	$3,000	
Subtotal	$7,850	$8,450	$5,850	
	TOTAL	FY93	FY94	FY95
Fisheries acquisition and restoration				
1. Fish habitat restoration on Provo River between Jordanelle Dam and Deer Creek Reservoir [Sec. 307(1)]	$750	$50	$0	$100
2. Fish habitat improvements to streams impacted by Federal reclamation projects in Utah [Sec. 307(2)]	$4,000	$0	$400	$600
3. Rehabilitation of tributaries to Strawberry Reservoir for trout reproduction [Sec. 307(3)]	$1,000	$200	$200	$200
4. Strawberry Reservoir post-treatment management and development [Sec. 307(4)]	$1,500	$300	$300	$300
5. Study and facilitate development to improve Utah Lake warm-water fishery [Sec. 307(5)]	$1,000	$150	$150	$200
6. Fish habitat improvements to Diamond Fork and Sixth Water Creek drainages [Sec. 307(6)]	$1,000	$0	$0	$0
7. Restoration of native cutthroat trout populations [Sec. 307(7)]	$475	$50	$50	$75
8. Fish habitat improvements to the Jordan River [Sec. 311(a)]	$1,150	$0	$0	$100
9. Stabilization of Upper Provo River reservoirs for fishery improvement [Sec. 308]	$5,000	$0	$0	$0
10. Development of additional fish hatchery production for CRSP waters in Utah [Sec. 313]	$22,800	$100	$3,500	$4,200
Subtotal	$38,675	$850	$4,600	$5,775
	FY96	FY97	FY98	
Fisheries acquisition and restoration				
1. Fish habitat restoration on Provo River between Jordanelle Dam and Deer Creek Reservoir [Sec. 307(1)]	$200	$200	$200	
2. Fish habitat improvements to streams impacted by Federal reclamation projects in Utah [Sec. 307(2)]	$1,000	$1,000	$1,000	
3. Rehabilitation of tributaries to Strawberry Reservoir for trout reproduction [Sec. 307(3)]	$200	$200	$0	
4. Strawberry Reservoir post-treatment management and development [Sec. 307(4)]	$300	$300	$0	
5. Study and facilitate development to improve Utah Lake warmwater fishery [Sec. 307(5)]	$150	$150	$200	
6. Fish habitat improvements to Diamond Fork and Sixth Water Creek drainages [Sec. 307(6)]	$100	$500	$400	
7. Restoration of native cutthroat trout populations [Sec. 307(7)]	$100	$100	$100	
8. Fish habitat improvements to the Jordan River [Sec. 311(a)]	$300	$400	$350	
9. Stabilization of Upper Provo River reservoirs for fishery improvement [Sec. 308]	$500	$2,000	$2,500	
10. Development of additional fish hatchery production for CRSP waters in Utah [Sec. 313]	$5,000	$5,000	$5,000	
Subtotal	$7,850	$9,850	$9,750	
	TOTAL	FY93	FY94	FY95
Watershed Improvements				
1. Projects for watershed improvement, erosion control, wildlife range improvements in Avintaquin Cr, Red Cr, Currant Cr and other drainages [Sec. 307(8)]	$2,500	$0	$500	$500
2. Watershed, stream and riparian improvements in Fremont River drainage [Sec. 313(a)]	$1,125	$125	$200	$200
3. Small dam and watershed improvements in the CRSP area in Utah [Sec. 313(b)]	$4,000	$500	$700	$700
Subtotal	$7,625	$625	$1,400	$1,400
	FY96	FY97	FY98	
Watershed Improvements				
1. Projects for watershed improvement, erosion control, wildlife range improvements in Avintaquin Cr, Red Cr, Currant Cr and other drainages [Sec. 307(8)]	$500	$500	$500	
2. Watershed, stream and riparian improvements in Fremont River drainage [Sec. 313(a)]	$200	$200	$200	
3. Small dam and watershed improvements in the CRSP area in Utah [Sec. 313(b)]	$700	$700	$700	
Subtotal	$1,400	$1,400	$1,400	
	TOTAL	FY93	FY94	FY95
Stream Access and Riparian Habitat Development				
1. Rehabilitation of riparian habitat along Provo River from Jordanelle Dam to Utah Lake [Sec. 309(a)(1)]	$750	$0	$250	$250
2. Restoration of watersheds and riparian habitats in the Diamond Fork and Sixth Water Creek drainages [Sec. 309(a)(2)]	$250	$0	$0	$50
3. Watershed stabilization, terrestrial wildlife habitat improvements and road closures [Sec. 309(a)(3)]	$350	$0	$0	$50
4. Acquisition of angler and other recreational access, in addition to the 1988 DPR [Sec. 309(a)(4)]	$8,500	$500	$1,000	$1,500
5. Study of riparian impacts caused by CUP from reduced streamflows, and identify mitigation opportunities [Sec. 309(b)]	$400	$50	$75	$75
6. Riparian rehabilitation and development along Jordan River [Sec. 311(b)]	$750	$75	$75	$150
Subtotal	$11,000	$625	$1,400	$2,075
	FY96	FY97	FY98	
Stream Access and Riparian Habitat Development				
1. Rehabilitation of riparian habitat along Provo River from Jordanelle Dam to Utah Lake [Sec. 309(a)(1)]	$250	$0	$0	
2. Restoration of watersheds and riparian habitats in the Diamond Fork and Sixth Water Creek drainages [Sec. 309(a)(2)]	$100	$100	$0	
3. Watershed stabilization, terrestrial wildlife habitat improvements and road closures [Sec. 309(a)(3)]	$100	$100	$100	
4. Acquisition of angler and other recreational access, in addition to the 1988 DPR [Sec. 309(a)(4)]	$1,500	$2,000	$2,000	
5. Study of riparian impacts caused by CUP from reduced streamflows, and identify mitigation opportunities [Sec. 309(b)]	$75	$75	$50	
6. Riparian rehabilitation and development along Jordan River [Sec. 311(b)]	$150	$150	$150	
Subtotal	$2,175	$2,425	$2,300	
	TOTAL	FY93	FY94	FY95
Recreation funds				
1. Recreational improvements at Utah Lake [Sec. 312(a)]	$2,000	$125	$275	$400
2. Recreation facilities at other CUP features, as recommended [Sec. 312(b)]	$750	$50	$100	$150
3. Provo/Jordan River Parkway Development [Sec. 311(d)]	$1,000	$0	$75	$75
4. Provo River corridor development [Sec. 311(e)]	$1,000	$0	$75	$75
Subtotal	$4,750	$175	$525	$700

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
	FY96	FY97	FY98	
Recreation funds				
1. Recreational improvements at Utah Lake [Sec. 312(a)]	$400	$400	$400	
2. Recreation facilities at other CUP features, as recommended [Sec. 312(b)]	$150	$150	$150	
3. Provo/Jordan River Parkway Development [Sec. 311(d)]	$200	$300	$350	
4. Provo River corridor development [Sec. 311(e)]	$200	$300	$350	
Subtotal	$950	$1,150	$1,250	
Total Additional	$21,575	$23,525	$20,550	
	TOTAL	FY93	FY94	FY95
Strawberry collection system				
1. Acquire angler access on about 35 miles of streams identified in the Aquatic Mitigation Plan	$2,700	$900	$900	$900
2. Construct fish habitat improvements on about 70 miles of streams as identified in the Aquatic Mitigation Plan	$3,990	$666	$803	$790
3. Rehabilitation of Strawberry Project wildlife and riparian habitats	$3,000	$600	$600	$600
Subtotal	$9,690	$2,166	$2,303	$2,290
	FY96	FY97	FY98	
Strawberry collection system				
1. Acquire angler access on about 35 miles of streams identified in the Aquatic Mitigation Plan	$0	$0	$0	
2. Construct fish habitat improvements on about 70 miles of streams as identified in the Aquatic Mitigation Plan	$453	$604	$674	
3. Rehabilitation of Strawberry Project wildlife and riparian habitats	$600	$600	$0	
Subtotal	$1,053	$1,204	$674	
	TOTAL	FY93	FY94	FY95
Duchesne canal rehabilitation				
1. Acquire and develop 782 acres along Duchesne River	$160	$160	$0	$0
Subtotal	$160	$160	$0	$0
	FY96	FY97	FY98	
Duchesne canal rehabilitation				
1. Acquire and develop 782 acres along Duchesne River	$0	$0	$0	
Subtotal	$0	$0	$0	
	TOTAL	FY93	FY94	FY95
Municipal and industry system				
1. Fence and develop big game on north shoreline of Jordanelle Reservoir	$226	$100	$126	$0
2. Acquire angler access to entire reach of Provo River from Jordanelle Dam to Deer Creek Reservoir	$1,050	$525	$525	$0
3. Aquire and develop 100 acres of wetland at base of Jordanelle Dam	$900	$900	$0	$0
Subtotal	$2,176	$1,525	$651	$0
Total DPR	$12,026	$5,651	$2,054	$1,390
Grand Total	$145,316	$27,266	$23,729	$25,740
	FY96	FY97	FY98	
Municipal and industry system				
1. Fence and develop big game on north shoreline of Jordanelle Reservoir	$0	$0	$0	
2. Acquire angler access to entire reach of Provo River from Jordanelle Dam to Deer Creek Reservoir	$0	$0	$0	
3. Aquire and develop 100 acres of wetland at base of Jordanelle Dam	$0	$0	$0	
Subtotal	$0	$0	$0	
Total DPR	$1,053	$1,204	$674	
Grand Total	$22,628	$24,729	$21,224	

TITLE IV—UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the State of Utah is a State in which one of the largest trans-basin water diversions occurs, dewatering important natural areas as a result of the Colorado River Storage Project;

(2) the State of Utah is one of the most ecologically significant States in the Nation, and it is therefore important to protect, mitigate, and enhance sensitive species and ecosystems through effective long term mitigation;

(3) the challenge of mitigating the environmental consequences associated with trans-basin water diversions are complex and involve many projects and measures (some of which are presently unidentifiable) and the costs for which will continue after projects of the Colorado River Storage Project in Utah are completed; and

(4) environmental mitigation associated with the development of the projects of the Colorado River Storage Project in the State of Utah are seriously in arrears.

(b) PURPOSES.—The purpose of this title is to establish an ongoing account to ensure that—

(1) the level of environmental protection, mitigation, and enhancement achieved in connection with projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah is preserved and maintained;

(2) resources are available to manage and maintain investments in fish and wildlife and recreation features of the projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah;

(3) resources are available to address known environmental impacts of the projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah for which no funds are being specifically authorized for appropriation and earmarked under this Act; and

(4) resources are available to address presently unknown environmental needs and opportunities for enhancement within the areas of the State of Utah affected by the projects identified

in this Act and elsewhere in the Colorado River Storage Project.

SEC. 402. UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a Utah Reclamation Mitigation and Conservation Account (hereafter in this title referred to as the "Account"). Amounts in the Account shall be available for the purposes set forth in section 401(b).

(b) DEPOSITS INTO THE ACCOUNT.—Amounts shall be deposited into the Account as follows:

(1) STATE CONTRIBUTIONS.—In each of fiscal years 1993 through 2000, or until the fiscal year in which the project is declared substantially complete, whichever occurs first, a voluntary contribution of $3,000,000 from the State of Utah.

(2) FEDERAL CONTRIBUTIONS.—In each of fiscal years 1993 through 2000, or until the fiscal year in which the project is declared substantially complete, whichever occurs first, $5,000,000 from amounts authorized to be appropriated by section 201, which shall be treated as an expense under section 8.

(3) CONTRIBUTIONS FROM PROJECT BENEFICIARIES.—(A) In each of fiscal years 1993 through 2000, or until the fiscal year in which the project is declared substantially complete in accordance with this Act, whichever occurs first, $750,000 in non-Federal funds from the District.

(B) $5,000,000 annually out of funds appropriated to the Western Area Power Administration, such expenditures to be considered nonreimbursable and nonreturnable.

(C) The annual contributions described in subparagraphs (A) and (B) shall be increased proportionally on March 1 of each year by the same percentage increase during the previous calendar year in the Consumer Price Index for urban consumers, published by the Department of Labor.

(4) INTEREST AND UNEXPENDED FUNDS.—(A) Any amount authorized and earmarked for fish, wildlife, or recreation expenditures which is appropriated but not obligated or expended by the Commission upon its termination under section 301.

(B) All funds annually appropriated to the Secretary for the Commission.

(C) All interest earned on amounts in the Account.

(D) Amounts not obligated or expended after the completion of a construction project and available pursuant to section 301(j).

(c) OPERATION OF THE ACCOUNT.—(1) All funds deposited as principal in the Account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the Account until completion of the projects and features specified in the schedule in section 315. After completion of such projects and features, all interest earned on amounts remaining in or deposited to the principal of the Account shall be available to the Commission pursuant to subsection (c)(2) of this section.

(2) The Commission is authorized to administer and expend all sums deposited into the Account pursuant to subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B), as well as interest not deposited to the principal of the Account pursuant to paragraph (1) of this subsection. The Commission may elect to deposit funds not expended under subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B) into the Account as principal.

(3) All amounts deposited in the Account pursuant to subsections (b) (1) and (2), and any amount deposited as principal under paragraphs (c)(1) and (c)(2), shall constitute the principal of the Account. No part of the principal amount may be expended for any purpose.

(d) ADMINISTRATION BY THE UTAH DIVISION OF WILDLIFE RESOURCES.—(1) After the date on which the Commission terminates under section 301, the Utah Division of Wildlife Resources or its successor shall receive—

(A) all amounts contributed annually to the Account pursuant to section 402(b)(3)(B); and

(B) all interest on the principal of the Account, at the beginning of each year. The portion of the interest earned on the principal of the account that exceeds the amount required to increase the principal of the account proportionally on March 1 of each year by the percentage increase during the previous calendar year in the Consumer Price Index for urban consumers published by the Department of Labor, shall be available for expenditure by the Division in accordance with this section.

(2) The funds received by the Utah Division of Wildlife Resources under paragraph (1) shall be expended in a manner that fulfills the purposes of the Account established under this Act, in consultation with and pursuant to, a conservation plan and amendments thereto to be developed by the Utah Division of Wildlife Resources, in cooperation with the United States Forest Service, the Bureau of Land Management of the Department of the Interior, and the United States Fish and Wildlife Service.

(3) The funds to be distributed from the Account shall not be applied as a substitute for funding which would otherwise be provided or available to the Utah Division of Wildlife Resources.

(e) AUDIT BY INSPECTOR GENERAL.—The financial management of the Account shall be subject to audit by the Inspector General of the Department of the Interior.

TITLE V—UTE INDIAN RIGHTS SETTLEMENT

SEC. 501. FINDINGS.

(a) FINDINGS.—The Congress finds the following—

(1) The unquantified Federal reserved water rights of the Ute Indian Tribe are the subject of existing claims and prospective lawsuits involving the United States, the State, and the District and numerous other water users in the Uinta Basin. The State and the Tribe negotiated, but did not implement, a compact to quantify the Tribe's reserved water rights.

(2) There are other unresolved Tribal claims arising out of an agreement dated September 20, 1965, where the Tribe deferred development of a portion of its reserved water rights for 15,242 acres of the Tribe's Group 5 Lands in order to facilitate the construction of the Bonneville Unit of the Central Utah Project. In exchange the United States undertook to develop substitute water for the benefit of the Tribe.

(3) It was intended that the Central Utah Project, through construction of the Upalco and Uintah units (Initial Phase) and the Ute Indian Unit (Ultimate Phase) would provide water for growth in the Uinta Basin and for late season irrigation for both the Indians and non-Indian water users. However, construction of the Upalco and Uintah Units has not been undertaken, in part because the Bureau was unable to find adequate and economically feasible reservoir sites. The Ute Indian unit has not been authorized by Congress, and there is no present intent to proceed with Ultimate Phase Construction.

(4) Without the implementation of the plans to construct additional storage in the Uinta Basin, the water users (both Indian and non-Indian) continue to suffer water shortages and resulting economic decline.

(b) PURPOSE.—This Act and the proposed Revised Ute Indian Compact of 1990 are intended to—

(1) quantify the Tribe's reserved water rights;

(2) allow increased beneficial use of such water; and

(3) put the Tribe in the same economic position it would have enjoyed had the features contemplated by the September 20, 1965 Agreement been constructed.

SEC. 502. PROVISIONS FOR PAYMENT TO THE UTE INDIAN TRIBE.

(a) BONNEVILLE UNIT TRIBAL CREDITS.—(1) Commencing on July 1, 1992 and continuing for fifty years, the Tribe shall receive from the United States 26 percent of the annual Bonneville Unit municipal and industrial capital repayment obligation attributable to 35,500 acre-feet of water, which represents a portion of the Tribe's water rights that were to be supplied by storage from the Central Utah Project, but will not be supplied because the Upalco and Uintah units are not to be constructed.

(2)(A) Commencing in the year 2042, the Tribe shall collect from the District 7 percent of the then fair market value of 35,500 acre-feet of Bonneville Unit agricultural water which has been converted to municipal and industrial water. The fair market value of such water shall be recalculated every five years.

(B) In the event 35,500 acre-feet of Bonneville Unit converted agricultural water to municipal and industrial have not yet been marketed as of the year 2042, the Tribe shall receive 7 percent of the fair market value of the first 35,500 acre-feet of such water converted to municipal and industrial water. The monies received by the Tribe under this title shall be utilized by the Tribe for governmental purposes, shall not be distributed per capita, and shall be used to enhance the educational, social, and economic opportunities for the Tribe.

(b) BONNEVILLE UNIT TRIBAL WATERS.—The Secretary is authorized to make any unused capacity in the Bonneville Unit Strawberry Aqueduct and Collection System diversion facilities available for use by the Tribe. Unused capacity shall constitute capacity, only as available, in excess of the needs of the District for delivery of Bonneville Unit water and for satisfaction of minimum streamflow obligations established by this Act. In the event that the Tribe elects to place water in these components of the Bonneville Unit system, the Secretary and District shall only impose an operation and maintenance charge. Such charge shall commence at the time of the Tribe's use of such facilities. The operation and maintenance charge shall be prorated on a per acre-foot basis, but shall only include the operation and maintenance costs of facilities used by the Tribe and shall only apply when the Tribe elects to use the facilities. As provided in the Ute Indian Compact, transfers of certain Indian reserved rights water to different lands or different uses will be made in accordance with the laws of the State of Utah governing change or exchange applications.

(c) ELECTION TO RETURN TRIBAL WATERS.—Notwithstanding the authorization provided for in subparagraph (b), the Tribe may at any time elect to return all or a portion of the water which it delivered under subparagraph (b) for use in the Uinta Basin. Any such Uinta Basin use shall protect the rights of non-Indian water users existing at the time of the election. Upon such election, the Tribe will relinquish any and all rights which it may have acquired to transport such water through the Bonneville Unit facilities.

SEC. 503. TRIBAL USE OF WATER.

(a) RATIFICATION OF REVISED UTE INDIAN COMPACT.—The Revised Ute Indian Compact of 1990, dated October 1, 1990, reserving waters to the Ute Indian Tribe and establishing the uses and management of such Tribal waters, is hereby ratified and approved, subject to reratification by the State and the Tribe. The Secretary

is authorized to take all actions necessary to implement the Compact.

(b) THE INDIAN INTERCOURSE ACT.—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water rights confirmed in the Compact. Nothing in this subsection shall be considered to amend, construe, supersede or preempt any State law, Federal law, interstate compact or international treaty that pertains to the Colorado River or its tributaries, including the appropriation, use, development and storage, regulation, allocation, conservation, exportation or quality of those waters.

(c) RESTRICTION ON DISPOSAL OF WATERS INTO THE LOWER COLORADO RIVER BASIN.—None of the waters secured to the Tribe in the Revised Ute Indian Compact of 1990 may be sold, exchanged, leased, used, or otherwise disposed of into or in the Lower Colorado River Basin, below Lees Ferry, unless water rights within the Upper Colorado River Basin in the State of Utah held by non-Federal, non-Indian users could be so sold, exchanged, leased, used, or otherwise disposed of under Utah State law, Federal law, interstate compacts, or international treaty pursuant to a final, nonappealable order of a Federal court or pursuant to an agreement of the seven States signatory to the Colorado River Compact: Provided, however, That in no event shall such transfer of Indian water rights take place without the filing and approval of the appropriate applications with the Utah State Engineer pursuant to Utah State law.

(d) USE OF WATER RIGHTS.—The use of the rights referred to in subsection (a) within the State of Utah shall be governed solely as provided in this section and the Revised Compact referred to in section 503(a). The Tribe may voluntarily elect to sell, exchange, lease, use, or otherwise dispose of any portion of a water right confirmed in the Revised Compact off the Uintah and Ouray Indian Reservation. If the Tribe so elects, and as a condition precedent to such sale, exchange, lease, use, or other disposition, that portion of the Tribe's water right shall be changed to a State water right, but shall be such a State water right only during the use of that right off the reservation, and shall be fully subject to State laws, Federal laws, interstate compacts, and international treaties applicable to the Colorado River and its tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those waters.

(e) RULES OF CONSTRUCTION.—Nothing in titles II through VI of this Act or in the Revised Ute Indian Compact of 1990 shall—

(1) constitute authority for the sale, exchange, lease, use, or other disposal of any Federal reserved water right off the reservation;

(2) constitute authority for the sale, exchange, lease, use, or other disposal of any Tribal water right outside the State of Utah; or

(3) be deemed a Congressional determination that any holders of water rights do or do not have authority under existing law to sell, exchange, lease, use, or otherwise dispose of such water or water rights outside the State of Utah.

SEC. 504. TRIBAL FARMING OPERATIONS.

Of the amounts authorized to be appropriated by section 201, $45,000,000 is authorized for the Secretary to permit the Tribe to develop over a three-year period—

(1) a 7,500 acre farming/feed lot operation equipped with satisfactory off-farm and on-farm water facilities out of tribally-owned lands and adjoining non-Indian lands now served by the Uintah Indian Irrigation Project;

(2) a plan to reduce the Tribe's expense on the remaining sixteen thousand acres of tribal land now served by the Uintah Indian Irrigation Project; and

(3) a fund to permit tribal members to upgrade their individual farming operations.

Any non-Indian lands acquired under this section shall be acquired from willing sellers and shall not be added to the reservation of the Tribe.

SEC. 505. RESERVOIR, STREAM, HABITAT AND ROAD IMPROVEMENTS WITH RESPECT TO THE UTE INDIAN RESERVATION.

(a) REPAIR OF CEDARVIEW RESERVOIR.—Of the amount authorized to be appropriated by section 201, $5,000,000 shall be available to Secretary, in cooperation with the Tribe, to repair the leak in Cedarview Reservoir in Dark Canyon, Duchesne County, Utah, so that the resultant surface area of the reservoir is two hundred and ten acres.

(b) RESERVATION STREAM IMPROVEMENTS.—Of the amount authorized to be appropriated by section 201, $10,000,000 shall be available for the Secretary, in cooperation with the Tribe and in consultation with the Commission, to undertake stream improvements to not less than 53 linear miles (not counting meanders) for the Pole Creek, Rock Creek, Yellowstone River, Lake Fork River, Uinta River, and Whiterocks River, in the State of Utah. Nothing in this authorization shall increase the obligation of the District to deliver more than 44,400 acre-feet of Central Utah Project water as its contribution to the preservation of minimum stream flows in the Uinta Basin.

(c) BOTTLE HOLLOW RESERVOIR.—Of the amount authorized to be appropriated by section 201, $500,000 in an initial appropriation shall be available to permit the Secretary to clean the Bottle Hollow Reservoir on the Ute Indian Reservation of debris and trash resulting from a submerged sanitary landfill, to remove all nongame fish, and to secure minimum flow of water to the reservoir to make it a suitable habitat for a cold water fishery. The United States, and not the Tribe, shall be responsible for cleanup and all other responsibilities relating to the presently contaminated Bottle Hollow waters.

(d) MINIMUM STREAM FLOWS.—As a minimum, the Secretary shall endeavor to maintain continuous releases from the outlet works of the Upper Stillwater Dam into Rock Creek of 29 cubic feet per second during May through October and continuous releases into Rock Creek of 23 cubic feet per second during November through April. Nothing in this authorization shall increase the obligation of the District to deliver more that 44,000 acre-feet of Central Utah Project water as its contribution to the preservation of minimum stream flow in the Uinta Basin.

(e) LAND TRANSFER.—The Bureau shall transfer 315 acres of land to the Forest Service, located at the proposed site of the Lower Stillwater Reservoir as a wildlife mitigation measure.

(f) RECREATION ENHANCEMENT.—Of the amount authorized to be appropriated by section 201, $10,000,000 shall be available for the Secretary, in cooperation with the Tribe, to permit the Tribe to develop, after consultation with the appropriate fish, wildlife, and recreation agencies, big game hunting, fisheries, campgrounds and fish and wildlife management facilities, including administration buildings and grounds on the Uintah and Ouray Reservation, in lieu of the construction of the Lower Stillwater Dam and related facilities.

(g) MUNICIPAL WATER CONVEYANCE SYSTEM.—Of the amounts authorized to be appropriated in section 201, $1,250,000 shall be available to the Secretary for participation by the Tribe in the construction of pipelines associated with the Duchesne County Municipal Water Conveyance System.

SEC. 506. TRIBAL DEVELOPMENT FUNDS.

(a) ESTABLISHMENT.—Of the amount authorized to be appropriated by section 201, there is hereby established to be appropriated a total amount of $125,000,000 to be paid in three annual and equal installments to the Tribal Development Fund which the Secretary is authorized and directed to establish for the Tribe.

(b) ADJUSTMENT.—To the extent that any portion of such amount is contributed after the period described above or in amounts less than described above, the Tribe shall, subject to appropriation Acts, receive, in addition to the full contribution to the Tribal Development Fund, an adjustment representing the interest income as determined by the Secretary, in his sole discretion, that would have been earned on any unpaid amount.

(c) TRIBAL DEVELOPMENT.—The Tribe shall prepare a Tribal Development Plan for all or a part of this Tribal Development Fund. Such Tribal Development Plan shall set forth from time to time economic projects proposed by the Tribe which in the opinion of two independent financial consultants are deemed to be reasonable, prudent and likely to return a reasonable investment to the Tribe. The financial consultants shall be selected by the Tribe with the advice and consent of the Secretary. Principal from the Tribal Development Fund shall be permitted to be expended only in those cases where the Tribal Development Plan can demonstrate with specificity a compelling need to utilize principal in addition to income for the Tribal Development Plan.

(d) No funds from the Tribal Development Fund shall be obligated or expended by the Secretary for any economic project to be developed or constructed pursuant to subsection (c) of this section, unless the Secretary has complied fully with the requirements of applicable fish, wildlife, recreation, and environmental laws, including the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.).

SEC. 507. WAIVER OF CLAIMS.

(a) GENERAL AUTHORITY.—The Tribe is authorized to waive and release claims concerning or related to water rights as described below.

(b) DESCRIPTION OF CLAIMS.—The Tribe shall waive, upon receipt of the section 504, 505, and 506 monies, any and all claims relating to its water rights covered under the agreement of September 20, 1965, including claims by the Tribe that it retains the right to develop lands as set forth in the Ute Indian Compact and deferred in such agreement. Nothing in this waiver of claims shall prevent the Tribe from enforcing rights granted to it under this Act or under the Compact. To the extent necessary to effect a complete release of the claims, the United States concurs in such release.

(c) RESURRECTION OF CLAIMS.—In the event the Tribe does not receive on a timely basis the moneys described in section 502, the Tribe is authorized to bring an action for an accounting against the United States, if applicable, in the United States Claims Court for moneys owed plus interest at 10 percent, and against the District, if applicable, in the United States District Court for the District of Utah for moneys owed plus interest at 10 percent. The United States and the District waive any defense based upon sovereign immunity in such proceedings.

TITLE VI—ENDANGERED SPECIES ACT AND NATIONAL ENVIRONMENTAL POLICY ACT

Notwithstanding any provision of titles II through V of this Act, nothing in such titles shall be interpreted as modifying or amending the provisions of the Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE VII—TREATMENT OF DRAINAGE FROM THE LEADVILLE MINE DRAINAGE TUNNEL, COLORADO

SEC. 701. TREATMENT PLANT AND RELATED WORK.

(a) AUTHORIZATION.—The Secretary is authorized to construct, operate, and maintain a water treatment plant, including the disposal of sludge produced by the treatment plant as appropriate, and to install concrete lining on the rehabilitated portion of the Leadville Mine Drainage Tunnel, Colorado, in order that water flowing from the Leadville Tunnel shall meet water quality standards.

(b) COSTS NONREIMBURSABLE.—Construction, operation, and maintenance costs of the works authorized by this section shall be nonreimbursable.

(c) OPERATION AND MAINTENANCE.—The Secretary shall be responsible for operation, maintenance, and replacement of the water treatment plant, including sludge disposal authorized by this Act. The Secretary may contract for services to carry out this subsection.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated beginning October 1, 1989, to carry out this title $20,000,000 (based on January 1989 prices), $2,000,000 of which shall be for the fish and wildlife restoration program authorized in section 704 of this title. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the works authorized by this Act.

SEC. 703. LIMITATION.

The treatment plant authorized by this title shall be designed and constructed to treat the quantity and quality of effluent historically discharged from the Leadville Mine Drainage Tunnel, Colorado.

SEC. 704. RESTORATION OF FISH AND WILDLIFE RESOURCES.

(a) AUTHORIZATION.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, is authorized, in consultation with other Federal entities and the State of Colorado, to formulate and implement, subject to the provisions of subsection (b) of this section, a program for the restoration of fish and wildlife resources of those portions of the Arkansas River Basin impacted by the effluent discharge from the Leadville Mine Drainage Tunnel, Colorado. The formulation of the program under this section shall be undertaken with appropriate public consultation.

(b) NOTIFICATION TO CONGRESS.—At least sixty days prior to implementing a program under subsection (a), the Secretary shall submit a report outlining a proposed program for carrying out subsection (a), including estimated costs, to the Speaker of the House of Representatives and the President pro tempore of the Senate.

SEC. 705. UPPER ARKANSAS RIVER BASIN WATER QUALITY RESTORATION INITIATIVE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the provisions of subsection (e) of this section, the Secretary is authorized, in consultation with the State of Colorado, the Environmental Protection Agency, and other Federal, local, and private entities, to conduct investigations of water pollution sources and impacts attributed to mining and other development in the Upper Arkansas River Basin, to develop corrective action plans for such basin, and to implement corrective action demonstration projects for such basin. The Upper Arkansas River Basin is defined as the hydrologic basin of the Arkansas River in Colorado extending from Pueblo Dam upstream to the headwaters of the Arkansas River.

(2) LIMITATION.—The Secretary shall have no authority to implement corrective action demonstration projects under this section at facilities which have been listed or proposed for listing on the national priorities list or are subject to or covered by the Solid Waste Disposal Act.

(b) LIABILITY.—Neither the Secretary nor any person participating in a corrective action demonstration project shall be liable under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for costs or damages as a result of actions taken or omitted in the course of implementing an action developed under this section. This subsection shall not preclude liability for costs or damages as the result of negligence on the part of such persons.

(c) FUNDING.—In carrying out this section, the Secretary shall arrange for cost sharing with the State of Colorado and for the utilization of non-Federal funds and in-kind services where possible. The Secretary is authorized to fund all State costs required to conduct investigations and develop corrective action plans required in subsection (a). The Federal share of costs for the implementation of corrective action plans as authorized in subsection (a) shall not exceed 50 percent.

(d) PUBLIC INVOLVEMENT.—The development of all corrective action plans and subsequent corrective action demonstration projects under this section shall be undertaken with appropriate public involvement pursuant to a public participation plan, consistent with regulations issued under the Federal Water Pollution Control Act, developed by the Secretary in consultation with the State of Colorado and the Environmental Protection Agency.

(e) SUBMISSIONS OF PLANS TO CONGRESS.—At least sixty days prior to implementing any corrective action demonstration project under this section, the Secretary shall submit a copy of the proposed project plans, including estimated costs, to the Speaker of the House of Representatives and President pro tempore of the Senate.

(f) EFFECT ON CERCLA.—Nothing in this title affects or modifies, in any way, the obligations or liabilities of any person under other Federal or State law, including common law, with respect to the discharge or release of hazardous substances, pollutants, or contaminants, as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601). The development of corrective action plans and implementation of corrective action demonstration projects shall be exclusive of all enforcement actions under such Act. It is not the intent of this title to relieve non-Federal potentially responsible parties of their liability under such Act.

SEC. 706. DEFINITION.

As used in this Act, the term "Secretary" means the Secretary of the Interior.

TITLE VIII—LAKE MEREDITH PROJECT

SEC. 801. AUTHORIZATION TO CONSTRUCT AND TEST.

The Secretary is authorized to construct and test the Lake Meredith Salinity Control Project, New Mexico and Texas, in accordance with the Federal Reclamation laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) and the provisions of this title and the plan set out in the June 1985 Technical Report of the Bureau of Reclamation on this project with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purpose of improving the quality of water delivered to the Canadian River downstream of Ute Reservoir, New Mexico, and entering Lake Meredith, Texas. The principal features of the project shall consist of production wells, observation wells, pipelines, pumping plants, brine disposal facilities, and other appurtenant facilities.

SEC. 802. CONSTRUCTION CONTRACT WITH THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY.

(a) AUTHORITY TO CONTRACT.—The Secretary is authorized to enter into a contract with the Canadian River Municipal Water Authority of Texas (hereafter in this title the "Authority") for the design and construction management of project facilities by the Bureau of Reclamation and for the payment of construction costs by the Authority. Operation and maintenance of project facilities upon completion of construction and testing shall be the responsibility of the Authority.

(b) CONSTRUCTION CONTINGENT ON CONTRACT.—Construction of the project shall not be commenced until a contract has been executed by the Secretary with the Authority, and the State of New Mexico has granted the necessary permits for the project facilities.

SEC. 803. PROJECT COSTS.

(a) CANADIAN RIVER MUNICIPAL WATER AUTHORITY SHARE.—All costs of construction of project facilities shall be advanced by the Authority as the non-Federal contribution toward implementation of this title. Pursuant to the terms of the contract authorized by section 802 of this title, these funds shall be advanced on a schedule mutually acceptable to the Authority and the Secretary, as necessary to meet the expense of carrying out construction and land acquisition activities.

(b) FEDERAL SHARE.—All project costs for design preparation, and construction management shall be nonreimbursable as the Federal contribution for environmental enhancement by water quality improvement, except that the Federal contribution shall not exceed 33 per centum of the total project costs.

SEC. 804. CONSTRUCTION AND CONTROL.

(a) PRECONSTRUCTION.—The Secretary shall, upon entering into the contract specified in section 802 with the Authority, proceed with preconstruction planning, preparation of designs and specifications, acquiring permits, acquisition of land and rights, and award of construction contracts pending availability of appropriated funds.

(b) TERMINATION OF CONSTRUCTION.—At any time following the first advance of funds, the Authority may request that the Secretary terminate activities then in progress, and such request shall be binding upon the Secretary, except that, upon termination of construction pursuant to this section, the Authority shall reimburse to the Secretary a sum equal to 67 per centum of all costs incurred by the Secretary in project verification, design and construction management, reduced by any sums previously paid by the Authority to the Secretary for such purposes. Upon such termination, the United States is under no obligation to complete the project as a nonreimbursable development.

(c) TRANSFER OF CONTROL.—Upon completion of construction and testing of the project, or upon termination of activities at the request of the Authority, the Secretary shall transfer the care, operation, and maintenance of the project works to the Authority or to a bona fide entity mutually agreeable to the States of New Mexico and Texas. As part of such transfer, the Secretary shall return unexpended balances of the funds advanced, assign to the Authority or the bona fide entity the rights to any contract in force, convey to the Authority or the bona fide entity any real estate, easements or personal property acquired by the advanced funds, and provide any data, drawings, or other items of value procured with advanced funds.

SEC. 805. TRANSFER OF TITLE.

Title to any facilities constructed under the authority of this title shall remain with the United States.

SEC. 806. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this title, except that the total Federal contribution to the cost of the activities undertaken under the authority of this title shall not exceed 33 per centum.

TITLE IX—CEDAR BLUFF UNIT, KANSAS

SEC. 901. AUTHORIZATION OF REFORMULATION.

The Secretary, consistent with the provisions of the Memorandum of Understanding between the Bureau of Reclamation and the Fish and Wildlife Service of the Department of the Interior, the State of Kansas, and the Cedar Bluff Irrigation District No. 6, dated December 17, 1987, is authorized to reformulate the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, including reallocation of the conservation capacity of the Cedar Bluff Reservoir, to create—

(1) a designated operating pool, as defined in such Memorandum of Understanding, for fish, wildlife, and recreation purposes, for ground water recharge for environmental, domestic, municipal and industrial uses, and for other purposes; and

(2) a joint-use pool, as defined in such Memorandum of Understanding, for flood control, for water sales, for fish, wildlife, and recreation purposes, and for other purposes.

SEC. 902. CONTRACT WITH THE STATE OF KANSAS FOR OPERATING POOL.

The Secretary may enter into a contract with the State of Kansas for the sale, use and control of the designated operating pool, with the exception of water reserved for the city of Russell, Kansas, and to allow the State of Kansas to acquire use and control of water in the joint-use pool, except that, the State of Kansas shall not permit utilization of water from Cedar Bluff Reservoir to irrigate lands in the Smoky Hill River Basin from Cedar Bluff Reservoir to its confluence with Big Creek.

SEC. 903. CONTRACT WITH THE STATE OF KANSAS FOR CEDAR BLUFF DAM AND RESERVOIR.

(a) AUTHORIZATION.—The Secretary may enter into a contract with the State of Kansas, accepting a payment of $350,000, and the State's commitment to pay a proportionate share of the annual operation, maintenance, and replacement charges for the Cedar Bluff Dam and Reservoir. After the reformulation of the Cedar Bluff Unit authorized by this title, all net revenues received by the United States from the sale of water of the Cedar Bluff Unit shall be credited to the Reclamation Fund.

(b) CONTRACT TERMINATION.—Upon receipt of the payment specified in subsection (a), the Cedar Bluff Irrigation District's obligations under contract number 0-07-70-W0064 shall be terminated.

(c) TRANSFER OF FISH HATCHERY.—The Secretary may transfer ownership of the buildings, fixtures, and equipment of the United States Fish and Wildlife Service fish hatchery facility at Cedar Bluff Dam, and the related water rights, to the State of Kansas for its use and operation for fish, wildlife, and related purposes. If any of the property transferred by this subsection to the State of Kansas is subsequently transferred from State ownership or used for any purpose other than those provided for in this subsection, title to such property shall revert to the United States.

SEC. 904. TRANSFER OF DISTRICT HEADQUARTERS.

The Secretary may transfer title to all interests in real property, buildings, fixtures, equipment, and tools associated with the Cedar Bluff Irrigation District headquarters located near Hays, Kansas, contingent upon the District's agreement to close down the irrigation system to the satisfaction of the Secretary at no additional cost to the United States, after which all easement rights shall revert to the owners of the lands to which the easements are attached. The transferee of any interests conveyed pursuant to this section shall assume all liability with respect to such interests and shall indemnify the United States against all such liability.

SEC. 905. ADDITIONAL ACTIONS.

The Secretary may take all other actions consistent with the provisions of the Memorandum of Understanding referred to in section 901 that the Secretary deems necessary to accomplish the reformulation of the Cedar Bluff Unit.

TITLE X—MISCELLANEOUS PROVISIONS, CENTRAL VALLEY PROJECT

SEC. 1001. EXTENSION OF THE TEHAMA-COLUSA CANAL SERVICE AREA.

The first paragraph of section 2 of the Act of September 26, 1950 (64 Stat. 1036), as amended by the Act of August 19, 1967 (81 Stat. 167), and the Act of December 22, 1980 (94 Stat. 3339), authorizing the Sacramento Valley Irrigation Canals, Central Valley Project, California, is further amended by striking "Tehama, Glenn, and Colusa Counties, and those portions of Yolo County within the boundaries of the Colusa County, Dunnigan, and Yolo-Zamora water districts or" and inserting "Tehama, Glenn, Colusa, Solano, and Napa Counties, those portions of Yolo County within the boundaries of Colusa County Water District, Dunnigan Water District, Yolo-Zamora Water District, and Yolo County Flood Control and Water Conservation District, or".

SEC. 1002. AUTHORIZATION FOR LONG-TERM CONTRACT FOR WATER DELIVERY.

(a) GENERAL AUTHORITY.—Notwithstanding the Energy and Water Development Appropriations Act, 1990, the Secretary of the Interior is authorized, pursuant to section 203 of the Flood Control Act of 1962 (76 Stat. 1191), to enter into a long-term contract in accordance with Federal Reclamation laws with the Tuolumne Regional Water District, California, for the delivery of water from the New Melones project to the county's water distribution system.

(b) RECLAMATION LAWS.—For purposes of subsection (a), the term "Federal Reclamation Laws" means the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof.

TITLE XI—SALTON SEA RESEARCH PROJECT

SEC. 1101. RESEARCH PROJECT TO CONTROL SALINITY.

(a) RESEARCH PROJECT.—The Secretary of the Interior, acting through the Bureau of Reclamation, shall conduct a research project for the development of a method or combination of methods to reduce and control salinity in inland water bodies. Such research shall include testing an enhanced evaporation system for treatment of saline waters, and studies regarding in-water segregation of saline waters and of dilution from other sources. The project shall be located in the area of the Salton Sea of Southern California.

(b) COST SHARE.—The non-Federal share of the cost of the project referred to in subsection (a) shall be 25 percent of the cost of the project.

(c) REPORT.—Not later than September 30, 1996, the Secretary shall submit a report to the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate regarding the results of the project referred to in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out the purposes of this title.

TITLE XII—AMENDMENT TO SABINE RIVER COMPACT

SEC. 1201. CONSENT TO AMENDMENT TO SABINE RIVER COMPACT.

The consent of Congress is given to the amendment, described in section 1203, to the interstate compact, described in section 1202, relating to the waters of the Sabine River and its tributaries.

SEC. 1202. COMPACT DESCRIBED.

The compact referred to in the previous section is the compact between the States of Texas and Louisiana, and consented to by Congress in the Act of August 10, 1954 (chapter 668; 68 Stat. 690; Public Law 85-78).

SEC. 1203. AMENDMENT.

The amendment referred to in section 1201 strikes "One of the Louisiana members shall be ex officio the Director of the Louisiana Department of Public Works; the other Louisiana member shall be a resident of the Sabine Watershed and shall be appointed by the Governor of Louisiana for a term of four years: Provided, That the first member so appointed shall serve until June 30, 1958." in article VII(c) and inserts "The Louisiana members shall be residents of the Sabine Watershed and shall be appointed by the Governor for a term of four years, which shall run concurrent with the term of the Governor.".

TITLE XIII—NAME CHANGE

SEC. 1301. DESIGNATION.

The Salt-Gila Aqueduct of the Central Arizona project, constructed, operated, and maintained under section 301(a)(7) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(7)), hereafter shall be known and designated as the "Fannin-McFarland Aqueduct".

SEC. 1302. REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in subsection (a) hereby is deemed to be a reference to the "Fannin-McFarland Aqueduct".

TITLE XIV—EXCESS STORAGE AND CARRYING CAPACITY

SEC. 1401. EXCESS STORAGE AND CARRYING CAPACITY.

The Secretary is authorized to enter into contracts with municipalities, public water districts and agencies, other Federal agencies, State agencies, and private entities, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for the impounding, storage, and carriage of water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes from any facilities associated with the Central Valley Project, Cachuma Project, and the Ventura River Project, California.

TITLE XV—AMENDMENT TO THE RECLAMATION PROJECT ACT OF 1939

SEC. 1501. CONTRACT AMENDMENTS.

Subsection (h) of section 8 of the Reclamation Project Act of 1939 (43 U.S.C. 485g(h)) is amended to read as follows:

"(h) If any classification or reclassification of irrigable lands undertaken pursuant to this section results in an increase in the outstanding construction charges or rate of repayment on any project, as established by an existing contract with an organization, the Secretary shall amend the contract to increase the construction obligation or the rate of repayment. No other modification in outstanding construction charges or repayment rates may be made by reason of a classification or reclassification undertaken pursuant to this section without the approval of Congress.".

TITLE XVI—WATER RECLAMATION AND REUSE

SEC. 1601. PARTICIPATION IN STUDY.

The Secretary is authorized to participate with the city of San Diego, California, in the

conduct of a study of conceptual plans for water reclamation and reuse. The Federal share of the cost of the study referred to in this section shall not exceed 50 percent of the total cost of the study.

SEC. 1602. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated the sum of $250,000 to carry out the Federal share of the study specified in section 1601 of this title.

TITLE XVII—RECLAMATION REFORM ACT OF 1982

SEC. 1701. SHORT TITLE AND DEFINITION.

(a) SHORT TITLE.—This title may be cited as the "Reclamation Reform Act Amendments of 1991".

(b) DEFINITION.—As used in this title, the term "the Act" means the Reclamation Reform Act of 1982 (Public Law 97–293, 96 Stat. 1263, 43 U.S.C. 390aa, et seq.).

SEC. 1702. NEW DEFINITION.

Section 202 of the Act is amended by adding the following new definition after paragraph 2, and redesignating the subsequent paragraphs accordingly:

"(3)(A) The term 'farm' or 'farm operation' means any landholding or group of landholdings, including partial landholdings, directly or indirectly farmed or operated by an individual, group, entity, trust, or any other combination or arrangement. The existence of a farm or farm operation will be presumed when ownership, operation, management, financing, or other factors, individually or together, indicate that one or more landholdings, including partial landholdings, are directly or indirectly farmed or operated by the same individual, group, entity, trust, or other combination or arrangement thereof.

"(B) The following arrangements and transactions, if negotiated at arms length between unrelated parties, shall not be factors for the purpose of determining the existence of a farm or farm operation:

"(i) Participation in a bona fide cooperative;

"(ii) Entering into an agreement in which each party bears the risk of loss individually for: (I) the use of equipment or labor; (II) processing, handling, brokering, or packing crops; (III) ginning cotton; (IV) purchasing seed; (V) purveying water; or (VI) other similar agreements;

"(iii) Entering into financial transactions involving land or crop loans, in which the lender has no interest in providing farm services of any kind (except in a fiduciary capacity as trustee), including, but not limited to, the granting or receipt of a security interest, crop mortgage, assignment of crop or crop proceeds or other interests in a crop or land solely for the purposes of obtaining repayment of a loan;

"(iv) Entering into (or exercising rights under) an agreement to assure or require bona fide quality control measures and/or the right to take control of farming operations in order to ensure quality control; or

"(v) Entering into an agreement for custom farming or farm management services if the custom farmer or farm manager does not bear a direct risk of loss in the crop.

"(C) With respect to activities between 'related parties', as defined in section 267(b) of the Internal Revenue Code of 1986, the Secretary shall certify that a farm or farm operation does not exist based on information supplied by such parties if such information indicates that all such activities were entered into and performed at arms length."

SEC. 1703. ADDITION OF FARM OR FARM OPERATION TO THE ACT.

(a) The second sentence of section 203(b) of the Act is amended by inserting after "landholding" wherever it appears, the following: ", farm, or farm operation", and inserting after "leased" wherever it appears the following: ", farmed or operated".

(b) Section 205 of the Act is amended by inserting after "landholding" wherever it appears, the following: ", farm, or farm operation", and by inserting after "landholdings" the following: ", farms or farm operations".

SEC. 1704. TRUSTS.

Section 214 of the Act is amended by adding the following new subsections.

"(c) The ownership and pricing limitations of this Act and the ownership limitations of any other provision of Federal reclamation law shall apply to a beneficiary of a trust in the same manner as any other individual.

"(d) The ownership and pricing limitations of this Act and the ownership limitations in any other provisions of Federal reclamation law shall apply to lands which are held by an individual or corporate trustee in a fiduciary capacity for a beneficiary or beneficiaries whose interests in the land served do not exceed the ownership and pricing limitations imposed by Federal reclamation law, including this title, as follows:

"(1) For trusts established on or before June 14, 1990 and benefitting 25 individuals or less, the ownership limitations shall go into effect nine years after enactment of these amendments, and the pricing limitations shall go into effect pursuant to sections 203 and 205, as applicable;

"(2) For trusts established on or before June 14, 1990 and benefitting more than 25 individuals, one hundred and eighty days after enactment of these amendments; and

"(3) For trusts established subsequent to June 14, 1990 upon the enactment of these amendments."

Section 205 is amended by adding a new subsection (d) as follows:

"(d) Any trust benefitting 25 individuals or less shall not, under any circumstances, be eligible to receive water at less than full cost on more than 960 acres of Class I land or the equivalent thereof. Full-cost pricing resulting from the application of this subsection shall be phased in over three years, that being of the difference between the applicable nonfull cost rate and the then existing full-cost rate for the first, second, and third calendar years, respectively, following the effective date of these amendments.".

SEC. 1705. INTENT AND PURPOSES.

Section 224(c) of the Act is amended to read as follows:

"(c) The Secretary is directed to prescribe regulations and shall collect all data necessary to carry out the intent, purposes, and provisions of this title and of other provisions of Federal reclamation law. Notwithstanding any other provision of law, the Secretary shall establish appropriate and effective penalties for failure to comply with any provision of this Act or any regulation established pursuant to this Act.".

SEC. 1706. REPORTING REQUIREMENTS.

(a) Section 228 of the Act is amended by inserting after "contracting entity" wherever it appears, the following: ", farm, or farm operation".

(b) Section 206 of the Act is amended by inserting after the final sentence the following: "This section shall also apply to all landholdings, farms, or farm operations, to all lands operated under any kind of operating agreement, and to all operators thereof. The Secretary, may also require the submission of any agreement or other document relating to the certification.".

SEC. 1707. RELIGIOUS OR CHARITABLE ORGANIZATIONS.

Section 219 of the Act is amended by—

(1) inserting "(a)" after "SEC. 219"; and

(2) inserting at the end the following new subsections:

"(b) The terms 'farm' or 'farm operation' shall not apply to any landholding of a religious or charitable entity or organization which qualifies as an individual under this section. If an individual religious or charitable entity or organization holds land as a lessor within a district, it shall qualify as an individual with respect to such lands: Provided, That the entity or organization directly uses the proceeds of the lease only for charitable purposes: Provided further, That the lessee is eligible to receive reclamation water upon the leased lands.

"(c) If an individual religious or charitable organization holds lands within a district, but fails to qualify as an individual under this section, its lands within a district with regard to which it does not qualify as an individual shall be lands held in excess of the ownership limitations of section 209 of this Act, and shall receive reclamation water only as excess lands in compliance with the provisions of section 209 of this Act. The failure of an individual religious or charitable entity or organization to qualify as an individual under this section shall not affect the qualification as an individual under this section of another individual religious or charitable entity or organization which is affiliated with the same central organization or is subject to a hierarchical authority of the same faith.".

SEC. 1708. RESTRICTION OF BENEFITS TO CITIZENS AND RESIDENT ALIENS.

(a) Section 202(8) of the Act, as redesignated by section 1702 of this Act, is amended by striking the period and inserting in lieu thereof the following: ": Provided, That all such persons are citizens of the United States or resident aliens thereof.".

(b) Section 202(10) of the Act, as redesignated by section 1702 of this Act, is amended by striking the period and inserting in lieu thereof the following: ": Provided, That all such persons are citizens of the United States or resident aliens thereof.".

SEC. 1709. ASSESSMENT REVIEW.

The Secretary shall review on a case-by-case basis the full cost charges applied to prior law recipients who filed irrevocable elections pursuant to section 203(b) of the 1982 Act between May 13, 1987 and January 1, 1988. Upon completion of such review, the Secretary shall determine, taking into account all relevant information, whether or not the full cost charges assessed of said prior law recipients are appropriate. Based upon such determination, the Secretary may reduce or rescind said charges accordingly: Provided, That the Secretary shall inform by letter report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of any intent to reduce or rescind such charges and that such reduction or rescission shall not take place until after the passage of ninety calendar days after the receipt by the respective Committees of the letter report. The Secretary shall consult with the Office of the Inspector General of the Department of the Interior in the preparation of such report.

SEC. 1710. APPLICATION TO INDIAN LANDS.

The Act (43 U.S.C. 390aa et seq.) is amended by adding at the end the following new section:

"SEC. 231. APPLICATION TO INDIAN LANDS.

"Nothing in this title shall apply to trust or restricted Indian lands.".

TITLE XVIII—GRAND CANYON PROTECTION

SEC. 1801. SHORT TITLE.

This title may be cited as the "Grand Canyon Protection Act".

SEC. 1802. FINDINGS.

The Congress finds the following:

(1) Current operating procedures at Glen Canyon Dam, including fluctuating water releases made for the production of peaking hydroelectric power, have substantial adverse effects on downstream environmental and recreational resources, including resources located within Grand Canyon National Park. Flood releases from Glen Canyon Dam have damaged beaches and terrestrial resources. Damage from flood releases can be reduced if the frequency of flood releases is reduced, as has been the practice in recent years.

(2) The Secretary announced on July 27, 1989, the preparation of an environmental impact statement to evaluate the impacts of Glen Canyon Dam operations on downstream environmental and recreational resources. Based in part on information developed during the environmental impact statement process, the Secretary will be in a position to make informed decisions regarding possible changes to current operating procedures for Glen Canyon Dam.

(3) The adverse effects of current operations of Glen Canyon Dam are significant and can be at least partially mitigated by the development and implementation of interim operating procedures pending the completion of an environmental impact statement, the Glen Canyon Environmental Studies, and the adoption of new long-term operating procedures for Glen Canyon Dam.

SEC. 1803. DEFINITIONS.

As used in this title—

(1) the term "Colorado River Compact" means the compact consented to by the Act of August 19, 1921 (chapter 72; 42 Stat. 171) and approved by section 13(a) of the Act of December 21, 1928 (45 Stat. 1064);

(2) the term "Upper Colorado River Basin Compact" means the compact consented to by the Act of April 6, 1949 (63 Stat. 31); and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 1804. PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—The Secretary shall operate Glen Canyon Dam and, if necessary, take other reasonable mitigation measures in such a manner as to protect, mitigate adverse impacts to, and improve the condition of, the environmental, cultural, and recreational resources of Grand Canyon National Park and Glen Canyon National Recreation Area downstream of Glen Canyon Dam, under operating procedures that are subject to and consistent with the water storage and delivery functions of Glen Canyon Dam pursuant to the Colorado River Compact, the Upper Colorado River Basin Compact, and other laws relating to the allocation of the Colorado River.

(b) AMENDMENT OF CRSP.—The Act of April 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C. 620 et seq.; commonly referred to as the "Colorado River Storage Project Act"), is amended as follows:

(1) In section 3, by adding at the end the following: "It is the further intention of Congress that the Secretary shall operate Glen Canyon Dam and, if necessary, take other reasonable mitigation measures, so as to protect, mitigate damages to, and improve the condition of the environmental, cultural, and recreational resources of Grand Canyon National Park and Glen Canyon National Recreation Area downstream of Glen Canyon Dam, subject to and consistent with the water storage and delivery functions of Glen Canyon Dam pursuant to the Colorado River Compact, the Upper Colorado River Basin Compact, consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48), and other laws relating to allocation of the Colorado River.".

(2) In the first sentence of section 7, by striking "Acts." and inserting "Acts, nor shall the Secretary operate the hydroelectric powerplant at Glen Canyon Dam in a manner which causes significant and avoidable adverse effects on the environmental, cultural, or recreational resources of Glen Canyon National Park or Glen Canyon National Recreation Area downstream of Glen Canyon Dam.".

(c) PROMULGATION OF OPERATING PROCEDURES.—The Secretary shall promulgate interim and long-term operating procedures for Glen Canyon Dam as set forth in sections 1805 and 1806, which procedures shall be consistent with the requirements of this section, and, if necessary, shall take other reasonable mitigation measures.

(d) DISCLAIMER.—Nothing in this title alters or may be construed to alter the purposes for which the Grand Canyon National Park or the Glen Canyon National Recreation Area were established or to affect in any manner the authority and responsibility of the Secretary with respect to the management and administration of such areas, including natural and cultural resources, and visitor use, as provided by laws applicable to such areas, including (but not limited to) the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 1805. INTERIM OPERATING PROCEDURES FOR GLEN CANYON DAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, and pending compliance by the Secretary with the requirements of section 1806, the Secretary shall, not later than October 1, 1991, or upon cessation of research flows used for preparing the environmental impact statement ordered by the Secretary on July 27, 1989, whichever is earlier, develop and implement interim operating procedures for Glen Canyon Dam. Such procedures shall—

(1) not interfere with the primary water storage and delivery functions of Glen Canyon Dam pursuant to the Colorado River Compact, the Upper Colorado River Basin Compact, and other laws relating to allocation of the Colorado River;

(2) minimize, to the extent reasonably possible, the adverse environmental impacts of Glen Canyon Dam operations on Grand Canyon National Park and Glen Canyon National Recreation Area downstream of Glen Canyon Dam;

(3) adjust fluctuating water releases caused by the production of peaking hydroelectric power and adjust rates of flow changes for fluctuating flows that will minimize, to the extent reasonably possible, adverse downstream impacts;

(4) minimize flood releases, consistent with the requirements of section 1804 of this title;

(5) maintain sufficient minimum flow releases at all times from Glen Canyon Dam to minimize, to the extent reasonably possible, the adverse environmental impacts of Glen Canyon Dam operations on Grand Canyon National Park and to protect fishery resources; and

(6) limit maximum flows released during normal operations to minimize, to the extent reasonably possible, the adverse environmental impacts of Glen Canyon Dam operations on Grand Canyon National Park and Glen Canyon National Recreation Area downstream of Glen Canyon Dam and to protect fishery resources.

(b) CONSULTATION.—The Secretary shall develop and implement the interim operating procedures described in subsection (a) in consultation with—

(1) appropriate agencies of the Department of the Interior, including the Bureau of Reclamation, United States Fish and Wildlife Service, and the National Park Service;

(2) the Secretary of Energy;

(3) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(4) affected Indian tribes; and

(5) the general public, including representatives of the academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

(c) SCIENTIFIC DATA.—The Secretary shall develop and implement the interim operating procedures referred to in this section using the best and most recent scientific data available, including the scientific information collected and analyzed as part of the Glen Canyon Environmental Studies.

(d) TERMINATION.—The interim operating procedures described in this section shall terminate upon compliance by the Secretary with the requirements of section 1806 of this title.

(e) DEVIATION FROM PROCEDURES.—The Secretary may deviate from the interim operating procedures described in this section upon a finding that such deviation is necessary and in the public interest in order to—

(1) comply with the requirements of section 1806(a) of this title;

(2) respond to hydrologic extremes or power system operating emergencies; or

(3) further reduce adverse impacts on environmental, cultural, or recreational resources downstream from Glen Canyon Dam.

SEC. 1806. GLEN CANYON ENVIRONMENTAL STUDIES; GLEN CANYON DAM ENVIRONMENTAL IMPACT STATEMENT; AND LONG-TERM OPERATING PROCEDURES FOR GLEN CANYON DAM.

(a) EIS.—The Secretary shall, not later than December 31, 1993, complete the final Glen Canyon Dam Environmental Impact Statement in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and in addition shall complete the Glen Canyon Environmental Studies. In preparing the environmental impact statement, the Secretary shall consider the views and conclusions of all cooperating government agencies, affected Indian tribes, and the general public. The Secretary shall make use of the best and most recent scientific data and studies in preparing the environmental impact statement, including the scientific information collected and analyzed as part of the Glen Canyon Environment Studies.

(b) REVIEW.—The Comptroller General of the United States shall review, in accordance with the standards set forth in the United States Water Resource Council's March 10, 1983, Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies, the costs and benefits to water and power users and to natural, recreational, and cultural resources resulting from management policies and dam operations identified pursuant to the draft of the environmental impact statement referred to in subsection (a). The Comptroller General shall report the results of the review to the Secretary and the Congress within one year after publication of the draft environmental impact statement.

(c) IMPLEMENTATION.—(1) Based on the findings, conclusions, and recommendations made in the studies, the statement prepared pursuant to subsection (a), and the review performed pursuant to subsection (b), the Secretary shall, within ninety days following completion of the final environmental impact statement or completion of the Comptroller General's review, whichever is later, implement long-term operating procedures for Glen Canyon Dam that will, alone or in combination with other reasonable mitigation measures, ensure that Glen Canyon Dam is operated in a manner consistent with this Act. Such procedures shall not interfere with the primary water storage and delivery functions of Glen Canyon Dam, pursuant to the Colorado River Compact, the Upper Colorado River Basin Compact, and other laws relating to allocation of the Colorado River.

(2) Upon completion of the requirements of paragraph (1), the Secretary shall submit to the Congress—

(A) the studies and the statement completed pursuant to subsection (a); and

(B) a report describing the long-term operating procedures for Glen Canyon Dam and other measures taken to protect, mitigate adverse impacts to, and improve the condition of the environmental, cultural, and recreational resources of the Colorado River downstream of Glen Canyon Dam.

(d) ANNUAL REPORT.—Annually after the date of the implementation of the procedures under subsection (c)(1), the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report, separate from and in addition to the report specified in section 602(b) of the Colorado River Basin Project Act (43 U.S.C. 1552(b)), on the operation of the Glen Canyon Dam during the preceding year and the projected year operations undertaken pursuant to this title. In the process of preparing the long-term operating procedures, the annual plans of operation described in this section, and the annual report specified in section 602(b) of the Colorado River Basin Project Act, the Secretary shall consult with the Governors of the Colorado River Basin States and with the general public, including representatives of the academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

SEC. 1807. LONG-TERM MONITORING.

The Secretary shall establish and implement long-term monitoring programs and activities that will ensure that Glen Canyon Dam is operated in a manner consistent with the requirements of section 1804 of this title. Such long-term monitoring shall include any necessary research and studies to determine the effect of the Secretary's actions under section 1806(c)(1) of this title upon the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area. These monitoring programs and activities shall be established and implemented in consultation with the Secretary of Energy; the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming; affected Indian tribes, and the general public, including representatives of the academic and scientific communities, environmental organizations, the recreation industry and the contractors for the purchase of Federal power produced at Glen Canyon Dam.

SEC. 1808. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

SEC. 1809. SAVINGS.

Nothing in this title shall be interpreted as modifying or amending the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or, except as provided in section 1805, of this title, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), or other existing laws relating to environmental or natural resources protection, with regard to the operation of Glen Canyon Dam.

TITLE XIX—MID-DAKOTA RURAL WATER SYSTEM

SEC. 1901. SHORT TITLE.

This title may be cited as the "Mid-Dakota Rural Water System Act of 1991".

SEC. 1902. DEFINITIONS.

For purposes of this title—

(1) the term "feasibility study" means the study entitled "Mid-Dakota Rural Water System Feasibility Study and Report" dated November 1988 and revised January 1989 and March 1989, as supplemented by the "Supplemental Report for Mid-Dakota Rural Water System" dated March 1990 (which supplemental report shall control in the case of any inconsistency between it and the study and report), as modified to reflect consideration of the benefits of the water conservation programs developed and implemented under section 1905 of this title;

(2) the term "Foundation" means the South Dakota Game, Fish and Parks Foundation, a nonprofit corporation under the laws of the State of South Dakota with its principal office in South Dakota;

(3) the term "pumping and incidental operational requirements" means all power requirements incident to the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the Mid-Dakota Rural Water System to—

(A) each entity that distributes water at retail to individual users; or

(B) each rural use location;

(4) the term "rural use location" includes a water use location—

(A) that is located in or in the vicinity of a municipality identified in appendix A of the feasibility report, for which municipality and vicinity there was on December 31, 1988, no entity engaged in the business of distributing water at retail to users in that municipality or vicinity; and

(B) that is one of no more than 40 water use locations in that municipality and vicinity;

(5) the term "Secretary" means the Secretary of the Interior;

(6) the term "summer electrical season" means May through October of each year;

(7) the term "water system" means the Mid-Dakota Rural Water System, substantially in accordance with the feasibility study;

(8) the term "Western" means the Western Area Power Administration;

(9) the term "wetland component" means the wetland development and enhancement component of the water system, substantially in accordance with the wetland component report;

(10) the term "wetland component report" means the report entitled "Wetlands Development and Enhancement Component of the Mid-Dakota Rural Water System" dated April 1990; and

(11) the term "wetland trust" means a trust established in accordance with section 11(b) and operated in accordance with section 11(c).

SEC. 1903. FEDERAL ASSISTANCE FOR RURAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water system.

(b) SERVICE AREA.—The water system shall provide for safe and adequate municipal, rural, and industrial water supplies, mitigation of wetland areas, and water conservation in Beadle County (including the city of Huron), Buffalo, Hand, Hughes, Hyde, Jerauld, Potter, Sanborn, Spink, and Sully Counties, and elsewhere in South Dakota.

(c) TERMS AND CONDITIONS.—The Secretary shall make the grants and loans authorized by subsection (a) on terms and conditions equivalent to those applied by the Secretary of Agriculture in providing assistance to projects for the conservation, development, use, and control of water under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), except to the extent that those terms and conditions are inconsistent with this title.

(d) AMOUNT OF GRANTS.—Grants made available under subsection (a) to Mid-Dakota Rural Water System, Inc. and water conservation measures consistent with section 1905 of this title shall not exceed 85 percent of the amount authorized to be appropriated by section 1912 of this title.

(e) LOAN TERMS.—

(1) a loan or loans made to Mid-Dakota Rural Water System, Inc. under the provisions of this title shall be repaid, with interest, within thirty years from the date of each loan or loans and no penalty for pre-payment; and

(2) interest on a loan or loans made under subsection (a) to Mid-Dakota Rural Water System, Inc.—

(A) shall be determined by the Secretary of the Treasury on the basis of the weighted average yield of all interest bearing, marketable issues sold by the Treasury during the fiscal year in which the expenditures by the United States were made; and

(B) shall not accrue during planning and construction of the water system, and the first payment on such a loan shall not be due until after completion of construction of the water system.

(f) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the Mid-Dakota Water Supply System until—

(1) the requirements of the National Environmental Policy Act of 1969 have been met; and

(2) a final engineering report has been prepared and submitted to the Congress for a period of not less than ninety days.

(g) COORDINATION WITH THE DEPARTMENT OF AGRICULTURE.—

(1) The Secretary shall coordinate with the Secretary of Agriculture, to the maximum extent practicable, grant and loan assistance made under this section with similar assistance available under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

(2) The Secretary of Agriculture shall take into consideration grant and loan assistance available under this section when considering whether to provide similar assistance available under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) to an applicant in the service area defined in subsection (b).

SEC. 1904. FEDERAL ASSISTANCE FOR WETLAND DEVELOPMENT AND ENHANCEMENT.

(a) INITIAL DEVELOPMENT.—The Secretary shall make grants and otherwise make funds available to Mid-Dakota Rural Water System, Inc. and other private, State, and Federal entities for the initial development of the wetland component.

(b) OPERATION AND MAINTENANCE.—The Secretary shall make a grant, providing not to exceed $100,000 annually, to the Mid-Dakota Rural Water System, Inc., for the operation and maintenance of the wetland component.

(c) NONREIMBURSEMENT.—Funds provided under this section shall be nonreimbursable and nonreturnable.

SEC. 1905. WATER CONSERVATION.

(a) WITHHOLDING OF FUNDS.—The Secretary shall not obligate Federal funds for construction of the water system until the Secretary finds that non-Federal entities have developed and implemented water conservation programs throughout the service area of the water system.

(b) PURPOSE OF PROGRAMS.—The water conservation programs required by subsection (a) shall be designed to ensure that users of water from the water system will use the best practicable technology and management techniques to reduce water use and water system costs.

(c) DESCRIPTION OF PROGRAMS.—Such water conservation programs shall include (but are not limited to) adoption and enforcement of the following—

(1) low consumption performance standards for all newly installed plumbing fixtures;

(2) leak detection and repair programs;

(3) metering for all elements and individual connections of the rural water supply systems to be accomplished within five years. (For purposes of this paragraph, residential buildings of more

than four units may be considered as individual customers);

(4) declining block rate schedules shall not be used for municipal households and special water users (as defined in the feasibility study);

(5) public education programs; and

(6) coordinated operation among each rural water system and the preexisting water supply facilities in its service area.

Such programs shall contain provisions for periodic review and revision, in cooperation with the Secretary.

SEC. 1906. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water system shall be on an acre for acre basis, based on ecological equivalency, concurrent with project construction.

SEC. 1907. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, Western shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water system during the summer electrical season.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water system shall be operated on a not-for-profit basis.

(2) The water system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a cooperative power supplier which purchases power from a cooperative power supplier which itself purchases power from Western.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be Western's Pick-Sloan Eastern Division Firm Power Rate Schedule in effect when the power is delivered by Western.

(4) It shall be agreed by contract among—

(A) Western;

(B) the power supplier with which the water system contracts under paragraph (2);

(C) that entity's power supplier; and

(D) Mid-Dakota Rural Water System, Inc.,

that for the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water system, but the water system's power supplier shall not be precluded from including in its charges to the water system for such electric service its other usual and customary charges.

(5) Mid-Dakota Rural Water System, Inc., shall pay its power supplier for electric service, other than for capacity and energy supplied pursuant to subsection (a), in accordance with the power supplier's applicable rate schedule.

SEC. 1908. RULE OF CONSTRUCTION.

This title shall not be construed to limit authorization for water projects in the State of South Dakota under existing law or future enactments.

SEC. 1909. WATER RIGHTS.

Nothing in this title shall be construed to—

(1) invalidate or preempt State water law or an interstate compact governing water;

(2) alter the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(4) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resources.

SEC. 1910. USE OF GOVERNMENT FACILITIES.

The use of and connection of water system facilities to Government facilities at the Oahe powerhouse and pumping plant and their use for the purpose of supplying water to the water system may be permitted to the extent that such use does not detrimentally affect the use of those Government facilities for the other purposes for which they are authorized.

SEC. 1911. WETLAND TRUST.

(a) FEDERAL CONTRIBUTIONS.—The Secretary shall make a Federal contribution to a wetland trust that is—

(1) established in accordance with subsection (b); and

(2) operated in accordance with subsection (c), in the amount of $3,000,000 in the first year in which a contribution is made and $1,000,000 in each of the following four years.

(b) ESTABLISHMENT OF WETLAND TRUST.—A wetland trust is established in accordance with this subsection if—

(1) the wetland trust is administered by the Foundation;

(2) the Foundation is under the direction of a Board of Directors that has power to manage all affairs of the Foundation, including administration, data collection, and implementation of the purposes of the wetland trust;

(3) members of the Board of Directors of the Foundation serve without compensation;

(4) the corporate purposes of the Foundation in administering the wetland trust are to preserve, enhance, restore, and manage wetland and associated wildlife habitat in the State of South Dakota;

(5) an advisory committee is created to provide the Board of Directors of the Foundation with necessary technical expertise and the benefit of a multiagency perspective;

(6) the advisory committee described in paragraph (5) is composed of—

(A) 1 member of the staff of the Wildlife Division of the South Dakota Department of Game, Fish and Parks, appointed by the Secretary of that department;

(B) 1 member of the United States Fish and Wildlife Service, appointed by the Director of Region 6 of the United States Fish and Wildlife Service;

(C) 1 representative from the Department of Agriculture, as determined by the Secretary of Agriculture; and

(D) 3 residents of the State of South Dakota who are members of wildlife or environmental organizations, appointed by the Governor of the State of South Dakota; and

(7) the wetland trust is empowered to accept non-Federal donations, gifts, and grants.

(c) OPERATION OF WETLAND TRUST.—The wetland trust shall be considered to be operated in accordance with this subsection if—

(1) the wetland trust is operated to preserve, enhance, restore, and manage wetlands and associated wildlife habitat in the State of South Dakota;

(2) under the corporate charter of the Foundation, the Board of Directors, acting on behalf of the Foundation, is empowered to—

(A) acquire lands and interests in land and power to acquire water rights (but only with the consent of the owner);

(B) acquire water rights; and

(C) finance wetland preservation, enhancement, and restoration programs;

(3)(A) all funds provided to the wetland trust under subsection (a) are to be invested in accordance with subsection (d);

(B) no part of the principal amount (including capital gains thereon) of such funds are to be expended for any purpose;

(C) the income received from the investment of such funds is to be used only for purposes and operations in accordance with this subsection or, to the extent not required for current operations, reinvested in accordance with subsection (d);

(D) income earned by the wetland trust (including income from investments made with funds other than those provided to the wetland trust under subsection (a)) is used to—

(i) enter into joint ventures, through the Division of Wildlife of the South Dakota Department of Game, Fish and Parks, with public and private entities or with private landowners to acquire easements or leases or to purchase wetland and adjoining upland; or

(ii) pay for operation and maintenance of the wetland component;

(E) when it is necessary to acquire land other than wetland and adjoining upland in connection with an acquisition of wetland and adjoining upland, wetland trust funds (including funds other than those provided to the wetland trust under subsection (a) and income from investments made with such funds) are to be used only for acquisition of the portions of land that contain wetland and adjoining upland that is beneficial to the wetland;

(F) all land purchased in fee simple with wetland trust funds shall be dedicated to wetland preservation and use; and

(G)(i) proceeds of the sale of land or any part thereof that was purchased with wetland trust funds are to be remitted to the wetland trust;

(ii) management, operation, development, and maintenance of lands on which leases or easements are acquired;

(iii) payment of annual lease fees, one-time easement costs, and taxes on land areas containing wetlands purchased in fee simple;

(iv) payment of personnel directly related to the operation of the wetland trust, including administration; and

(v) contractual and service costs related to the management of wetland trust funds, including audits.

(4) the Board of Directors of the Foundation agrees to provide such reports as may be required by the Secretary and makes its records available for audit by Federal agencies; and

(5) the advisory committee created under subsection (b)—

(A) recommends criteria for wetland evaluation and selection: Provided, That income earned from the Trust shall not be used to mitigate or compensate for wetland damage caused by Federal water projects;

(B) recommends wetland parcels for lease, easement, or purchase and states reasons for its recommendations; and

(C) recommends management and development plans for parcels of land that are purchased.

(d) INVESTMENT OF WETLAND TRUST FUNDS.—(1) The Secretary, in consultation with the Secretary of the Treasury, shall establish requirements for the investment of all funds received by the wetland trust under subsection (a) or reinvested under subsection (c)(3).

(2) The requirements established under paragraph (1) shall ensure that—

(A) funds are invested in accordance with sound investment principles; and

(B) the Board of Directors of the Foundation manages such investments and exercises its fiduciary responsibilities in an appropriate manner.

(e) COORDINATION WITH THE SECRETARY OF AGRICULTURE.—

(1) The Secretary shall make the Federal contribution under subsection (a) after consulting with the Secretary of Agriculture to provide for the coordination of activities under the wetland trust established under subsection (b) with the water bank program, the wetlands reserve program, and any similar Department of Agriculture programs providing for the protection of wetlands.

(2) The Secretary of Agriculture shall take into consideration wetland protection activities

under the wetland trust established under subsection (b) when considering whether to provide assistance under the water bank program, the wetlands reserve program, and any similar Department of Agriculture programs providing for the protection of wetlands.

SEC. 1912. AUTHORIZATION OF APPROPRIATIONS.

(a) WATER SYSTEM.—There are authorized to be appropriated to the Secretary $100,000,000 for the planning and construction of the water system under section 1903, plus such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after October 1, 1989, such sums to remain available until expended.

(b) WETLAND COMPONENT.—There are authorized to be appropriated to the Secretary—

(1) $2,756,000 for the initial development of the wetland component under section 1904;

(2) such sums as are necessary for the operation and maintenance of the wetland component, not exceeding $100,000 annually, under section 1904; and

(3) $7,000,000 for the Federal contribution to the wetland trust under section 1911.

TITLE XX—LAKE ANDES-WAGNER, SOUTH DAKOTA

SEC. 2001. DRAINAGE DEMONSTRATION PROGRAMS.

(a) The Secretary, acting pursuant to existing authority under the Federal reclamation laws, shall, through the Bureau of Reclamation, in coordination with the Secretary of Agriculture and with the assistance and cooperation of an oversight committee (hereafter "Oversight Committee") consisting of representatives of the Bureau of Indian Affairs, Agricultural Research Service of the Department of Agriculture, Soil Conservation Service of the Department of Agriculture, Extension Service of the Department of Agriculture, Environmental Protection Agency, United States Fish and Wildlife Service, United States Geological Survey, South Dakota Department of Game, Fish and Parks, South Dakota Department of Water and Natural Resources, Yankton-Sioux Tribe, and the Lake Andes-Wagner Water System, Inc. carry out a demonstration program (hereafter in this title the "Demonstration Program") in substantial accordance with the "Lake Andes-Wagner-Marty II Demonstration Program Plan of Study," dated May 1990, a copy of which is on file with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such Demonstration Program shall be conducted in accordance with the environmental analysis and documentation requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) The objectives of the Demonstration Program shall include—

(1) development of accurate and definitive means of quantifying projected irrigation and drainage requirements, and providing reliable estimates of drainage return flow quality and quantity, with respect to glacial till and other soils found in the specific areas to be served with irrigation water by the planned Lake Andes-Wagner Unit and Marty II Unit and which may also have application to the irrigation and drainage of similar soils found in other areas of the United States;

(2) development of best management practices for the purpose of improving the efficiency of irrigation water use and developing and demonstrating management techniques and technologies for glacial till soils which will prevent or otherwise ameliorate the degradation of water quality by irrigation practices;

(3) investigation and demonstration of the potential for development and enhancement of wetlands and fish and wildlife within and adjacent to the service areas of the planned Lake Andes-Wagner Unit and the Marty II Unit through the application of water, and other management practices;

(4) investigation and demonstration of the suitability of glacial till soils for crop production under irrigation, giving special emphasis to crops of agricultural commodities for which an acreage reduction program is not in effect under the provisions of the Agriculture Act of 1949 (7 U.S.C. 1462 et seq.) or by any successor programs established for crop years subsequent to 1990.

(c) Study sites shall be obtained through leases from landowners who voluntarily agree to participate in the Demonstration Program under the following conditions—

(1) rentals paid under a lease shall be based on the fair rental market value prevailing for dry land farming of lands of similar quantity and quality plus a payment representing reasonable compensation for inconveniences to be encountered by the lessor;

(2) the Demonstration Program shall provide for the—

(A) supply all water, delivery system, pivot systems and drains;

(B) operation and maintenance of the irrigation system;

(C) Secretary of Agriculture to supply all seed, fertilizers and pesticides and make standardized equipment;

(D) Secretary of Agriculture to determine crop rotations and cultural practices; and

(E) Secretary and Secretary of Agriculture to have unrestricted access to leased lands;

(3) the Secretary and the Secretary of Agriculture may, in accordance with the Demonstration Program contract with the lessor and/or custom operators to accomplish agricultural work, which work shall be performed in accordance with the Demonstration Program;

(4) no grazing may be performed on a study site;

(5) crops grown shall be the property of the United States; and

(6) at the conclusion of the lease, the lands involved will, to the extent practicable, be restored by the Secretary to their preleased condition at no expense to the lessor.

(d) The Secretary of Agriculture shall offer crops grown under the Demonstration Program for sale to the highest bidder under terms and conditions to be prescribed by the Secretary of Agriculture. Any crops not sold shall be disposed of as the Secretary of Agriculture determines to be appropriate, except that no crop may be given away to any for-profit entity or farm operator. All receipts from crop sales shall be covered into the Treasury to the credit of the fund from which appropriations for the conduct of the Demonstration Program are derived.

(e) The land from each ownership in a study site shall be established by the Secretary as a separate farm. The Secretary of Agriculture shall provide for lessors to preserve the cropland base and history on lands leased to the Demonstration Project under the same terms and conditions provided for under section 1236(b) of the Food Security Act of 1985 (7 U.S.C. 3836(b)). Establishment of such study site farms shall not entitle the Secretary to participate in farm programs or to build program base.

(f) The Secretary shall periodically, but not less often than once a year, report to the Committee on Interior and Insular Affairs, the Committee on Agriculture, and the Committee on Merchant Marine and Fisheries of the House of Representatives, to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to the Governor of South Dakota concerning the activities undertaken pursuant to this section. The Secretary's reports and other information and data developed pursuant to this section shall be available to the public without charge. Each Demonstration Program report, including the report referred to in paragraph (3) of this subsection, shall evaluate data covering the results of the Demonstration Program as carried out in the six study sites during the period covered by the report together with data developed under the wetlands enhancement aspect during that period. The demonstration phase of the Demonstration Program shall terminate at the conclusion of the fifth full irrigation season. Promptly thereafter, the Secretary shall—

(1) remove temporary facilities and equipment and restore the study sites as nearly as practicable to their prelease condition. The Secretary may transfer the pumping plant and/or distribution lines to public agencies for uses other than commercial irrigation if so doing would be less costly than removing such equipment;

(2) otherwise wind up the Demonstration Program; and

(3) prepare in coordination with the Secretary of Agriculture a concluding report and recommendations covering the entire demonstration phase, which report shall be transmitted by the Secretary to the Congress and to the Governor of South Dakota not later than April 1 of the calendar year following the calendar year in which the demonstration phase of the Demonstration Program terminates. The Secretary's concluding report, together with other information and data developed in the course of the Demonstration Program, shall be available to the public without charge.

(g) Costs of the Demonstration Program funded by Congressional appropriations shall be accounted for pursuant to the Act of October 29, 1971 (85 Stat. 416). Costs incurred by the State of South Dakota and any agencies thereof arising out of consultation and participation in the Demonstration Program shall not be reimbursed by the United States.

(h) Funding to cover expenses of the Federal agencies participating in the Demonstration Program shall be included in the budget submittals for the Bureau of Reclamation. The Secretary, using only funds appropriated for the Demonstration Program, shall transfer to the other Federal agencies funds in amounts sufficient to offset expenses incurred under this title.

SEC. 2002. PLANNING REPORTS—ENVIRONMENTAL IMPACT STATEMENTS.

(a) On the basis of the concluding report and recommendations of the Demonstration Program provided for in section 2001, the Secretary shall comply with the study and reporting requirements of the National Environmental Policy Act and regulations issued to implement the provisions thereof with respect to the Lake Andes-Wagner Unit and Marty II Unit. The final reports prepared under this subsection shall be transmitted to the Congress simultaneously with their filing with the Environmental Protection Agency.

(b) Each report prepared under subsection (a) shall include a detailed plan providing for the prevention or avoidance of adverse water quality conditions attributable to agricultural drainage water originating from lands to be irrigated by the Unit to which the report pertains. The Department shall not recommend that any such Unit be constructed unless the respective report prepared pursuant to subsection (a) is accompanied by findings by the Secretary of Agriculture, the Director of the United States Fish and Wildlife Service, and the Administrator of the Environmental Protection Agency that the Unit to which the report pertains can be constructed, operated and maintained so as to comply with all applicable water quality standards and avoid all adverse effects to fish and wildlife resulting from the bioaccumulation of selenium.

SEC. 2003. INDIAN EMPLOYMENT.

In carrying out this title, preference shall be given to the employment of members of the Yankton-Sioux Tribe who can perform the work required regardless of age (subject to existing laws and regulations), sex, or religion, and to the extent feasible in connection with the efficient performance of such functions training and employment opportunities shall be provided members of the Yankton-Sioux Tribe regardless of age (subject to existing laws and regulations), sex, or religion who are not fully qualified to perform such functions.

SEC. 2004. FEDERAL RECLAMATION LAWS.

This title is a supplement to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts supplemental thereto and amendatory thereof).

SEC. 2005. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such amounts as may be necessary to carry out the Demonstration Program authorized by this title.

Of the amounts appropriated pursuant to this section, 5 percent of the total shall be utilized by the Director of the United States Fish and Wildlife Service to fund projects on Western National Wildlife Refuges designed to mitigate the adverse effects of selenium on populations of fish and wildlife within such refuges.

TITLE XXI—INSULAR AREAS STUDY

SEC. 2101. FINDINGS.

The Congress hereby finds and declares that assuring adequate supplies of water, sewerage, and power for the residents of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands has become a problem of such magnitude that the welfare and prosperity of these insular areas require the Federal Government to assist in finding permanent, long-term solutions to their water, sewerage, and power problems.

SEC. 2102. AUTHORIZATION OF STUDY.

The Secretary of the Interior is authorized and directed to undertake a comprehensive study of how the long-term water, sewerage, and power needs of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands can be resolved. Such study shall be conducted in consultation with the governments of these insular areas.

SEC. 2103. REQUIREMENTS OF STUDY.

Such study shall include for each jurisdiction, but not be limited to—

(1) an assessment of the magnitude and extent of current and expected needs;

(2) an assessment of how the needs can be resolved;

(3) the costs and benefits of alternative solutions;

(4) the need for additional legal authority for the President to take actions to meet the needs; and

(5) specific recommendations for the role of the Federal Government and each insular government in solving the needs.

SEC. 2104. THE INSULAR AREAS ENERGY ASSISTANCE AMENDMENT OF 1991.

Section 604 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", Public Law 96–597, as amended by Public Law 98–213 (48 U.S.C. 1492), is amended by adding the following subsection:

"(g)(1) There are hereby authorized to be appropriated $500,000 to the Secretary of Energy for each fiscal year for grants to insular area governments to carry out projects to evaluate the feasibility of, develop options for, and encourage the adoption of energy efficiency and renewable energy measures which reduce the dependence of the insular area on imported fuels and improve the quality of life in the insular area.

"(2) Factors which shall be considered in determining the amount of financial assistance to be provided for a proposed energy-efficiency or renewable energy grant under this subsection shall include, but not be limited to, the following—

"(A) whether the measure will reduce the relative dependence of the insular area on imported fuels;

"(B) The ease and costs of operation and maintenance of any facility contemplated as part of the project;

"(C) whether the project will rely on the use of conservation measures or indigenous, renewable energy resources that were identified in the report by the Secretary of Energy pursuant to this section or identified by the Secretary as consistent with the purposes of this section; and

"(D) whether the measure will contribute significantly to the quality of the environment in the insular area.".

TITLE XXII—SUNNYSIDE VALLEY IRRIGATION DISTRICT, WASHINGTON

SEC. 2201. CONVEYANCE TO SUNNYSIDE VALLEY IRRIGATION DISTRICT.

The Secretary of the Interior shall convey to Sunnyside Valley Irrigation District of Sunnyside, Washington, by quitclaim deed or other appropriate instrument and without consideration, all right, title, and interest of the United States, excluding oil, gas, and other mineral deposits, in and to a parcel of public land described at lots 1 and 2 of block 34 of the town of Sunnyside in section 25, township 10 north, range 22 east, Willamette Meridian, Washington.

TITLE XXIII—PLATORO DAM AND RESERVOIR, COLORADO

SEC. 2301. FINDINGS AND DECLARATIONS.

The Congress finds and declares the following:

(1) Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project was built in 1951 and for all practical purposes has not been usable because of the constraints imposed by the Rio Grande Compact of 1939 on the use of the Rio Grande River among the States of Colorado, New Mexico, and Texas.

(2) The usefulness of Platoro Reservoir under future compact compliance depends upon the careful conservation and wise management of water and requires the operation of the reservoir project in conjunction with privately owned water rights of the local water users.

(3) It is in the best interest of the people of the United States to—

(A) transfer operation, maintenance, and replacement responsibility for the Platoro Dam and Reservoir to the Conejos Water Conservancy District of the State of Colorado, which is the local water user district with repayment responsibility to the United States, and the local representative of the water users with privately owned water rights;

(B) relieve the people of the United States from further financial risk or obligation in connection with the collection of construction charge repayments and annual operation and maintenance payments for the Platoro Dam and Reservoir by providing for payment of a one-time fee to the United States in lieu of the scheduled annual payments and termination of any further repayment obligation to the United States pursuant to the existing repayment contract between the United States and the District (Contract No. 11r–1529, as amended); and

(C) determine such one time fee, taking into account the assumption by the District of all of the operations and maintenance costs associated with the reservoir, including the existing Federal obligation for the operation and maintenance of the reservoir for flood control purposes, and taking into account 50 percent sharing of the cost of maintaining a minimum stream flow as provided in section 2(d) of this title.

SEC. 2302. TRANSFER OF OPERATION AND MAINTENANCE RESPONSIBILITY OF PLATORO RESERVOIR.

(a) IN GENERAL.—The Secretary is authorized and directed to undertake the following:

(1) Accept a one-time payment of $450,000 from the District in lieu of the repayment obligation of paragraphs 8(d) and 11 of the Repayment Contract between the United States and the District (No. 11r–1529) as amended.

(2) Enter into an agreement for the transfer of all of the operation and maintenance functions of the Platoro Dam and Reservoir, including the operation and maintenance of the reservoir for flood control purposes, to the District. The agreement shall provide—

(A) that the District will have the exclusive responsibility for operations and the sole obligation for all of the maintenance of the reservoir in a satisfactory condition for the life of the reservoir subject to review of such maintenance by the Secretary to ensure compliance with reasonable operation, maintenance and dam safety requirements as they apply to Platoro Dam and Reservoir under Federal and State law; and

(B) that the District shall have the exclusive use and sole responsibility for maintenance of all associated facilities, including outlet works, remote control equipment, spillway, and land and buildings in the Platoro townsite. The District shall have sole responsibility for maintaining the land and buildings in a condition satisfactory to the United States Forest Service.

(b) TITLE.—Title to the Platoro Dam and Reservoir and all associated facilities shall remain with the United States, and authority to make recreational use of Platoro Dam and Reservoir shall be under the control and supervision of the United States Forest Service, Department of Agriculture.

(c) AMENDMENTS TO CONTRACT.—The Secretary is authorized to enter into such other amendments to such Contract Numbered 11r–1529, as amended, necessary to facilitate the intended operations of the project by the District. All applicable provisions of the Federal reclamation laws shall remain in effect with respect to such contract.

(d) CONDITIONS IMPOSED UPON THE DISTRICT.—The transfer of operation and maintenance responsibility under subsection (a) shall be subject to the following conditions:

(1)(A) The District will, after consultation with the United States Forest Service, Department of Agriculture, operate the Platoro Dam and Reservoir in such a way as to provide—

(i) that releases or bypasses from the reservoir flush out the channel of the Conejos River periodically in the spring or early summer to maintain the hydrologic regime of the river; and

(ii) that any releases from the reservoir contribute to even flows in the river as far as possible from October 1 to December 1 so as to be sensitive to the brown trout spawn.

(B) Operation of the Platoro Dam and Reservoir by the District for water supply uses (including storage and exchange of water rights owned by the District or its constituents), interstate compact and flood control purposes shall be senior and paramount to the channel flushing and fishery objectives referred to in subparagraph (A).

(2) The District will provide and maintain a permanent pool in the Platoro Reservoir for fish, wildlife, and recreation purposes, in the amount of 3,000 acre-feet, including the initial filling of the pool and periodic replenishment of seepage and evaporation loss: Provided, however, That if necessary to maintain the winter instream flow provided in subparagraph (3), the perma-

nent pool may be allowed to be reduced to 2,400 acre-feet.

(3) In order to preserve fish and wildlife habitat below Platoro Reservoir, the District shall maintain releases of water from Platoro Reservoir of at least 7 cubic feet per second during the months of October through April and shall bypass 40 cubic feet per second or natural inflow, whichever is less, during the months of May through September.

(4) The United States Forest Service, Department of Agriculture, is directed to monitor operation of Platoro Reservoir regularly including releases from it for instream flow purposes and to enforce the provisions of this subsection under the laws, regulations, and rules applicable to the National Forest System.

(e) FLOOD CONTROL MANAGEMENT.—The Secretary of the Army, acting through the Chief of Engineers, shall retain exclusive authority over Platoro Dam and Reservoir for flood control purposes and shall direct the District in the operation of the dam for such purposes. To the extent possible, management by the Secretary of the Army under this shall be consistent with the water supply use of the reservoir, with the administration of the Rio Grande Compact of 1939 by the Colorado State Engineer and with the provisions of subsection (d) hereof. The Secretary of the Army shall enter into a Letter of Understanding with the District and the United States Bureau of Reclamation prior to transfer of operations which details the responsibility of each party and specifies the flood control criteria for the reservoir.

(f) COMPLIANCE WITH COMPACT AND OTHER LAWS.—The transfer under section 2 shall be subject to the District's compliance with the Rio Grande Compact of 1939 and all other applicable laws and regulations, whether of the State of Colorado or of the United States.

SEC. 2303. DEFINITIONS.

As used in this title—

(1) the term "District" means the Conejos Water Conservancy District of the State of Colorado;

(2) the term "Federal reclamation laws" means the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof;

(3) the term "Platoro Reservoir" means the Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project; and

(4) the term "Secretary" means the Secretary of the Interior.

TITLE XXIV—SLY PARK UNIT, CENTRAL VALLEY PROJECT

SEC. 2401. SHORT TITLE.

This title may be cited as the "Sly Park Unit Sale Act".

SEC. 2402. SALE OF THE SLY PARK UNIT.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this title, sell the Sly Park Unit to the El Dorado Irrigation District.

(b) SALE PRICE.—The sale price shall not exceed—

(1) the construction costs as included in the accounts of the Secretary, plus

(2) interest on the construction costs allocated to domestic use at the authorized rate included in enactment of the Act of October 14, 1949 (63 Stat. 852) up to an agreed upon date, plus

(3) the presently assigned Federal operation and maintenance costs, less

(4) all revenues to date as collected under the terms of the contract (14-06-200-949) between the United States and the El Dorado Irrigation District.

(c) TERMS OF PAYMENT.—The Secretary may negotiate for a payment of the purchase price on a lump-sum basis or on a semiannual basis for a term of not to exceed twenty years. If payment is not to be lump-sum, then the interest rate to be paid by the District shall be the rate referred to in subsection (b)(2).

(d) CONVEYANCE.—Upon completion of payment by the District, the Secretary shall convey to the El Dorado Irrigation District all right, title, and interest of the United States in and to the Sly Park Unit. All costs associated with the transfer shall be borne by the District.

SEC. 2403. DEFINITIONS.

For purposes of this title, the term:

(1) "El Dorado Irrigation District" or "District" means a political subdivision of the State of California duly organized, existing, and acting pursuant to the laws thereof with its principal place of business in the city of Placerville, El Dorado County, California.

(2) "Secretary" means the Secretary of the Interior.

(3) "Sly Park Unit" means the Sly Park Dam and Reservoir, Camp Creek Diversification Dam and Tunnel and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 852).

TITLE XXV—COST FOR DELIVERY OF WATER USED TO PRODUCE THE CROPS OF CERTAIN AGRICULTURAL COMMODITIES

SEC. 2501. COST FOR DELIVERY OF WATER USED TO PRODUCE THE CROPS OF CERTAIN AGRICULTURAL COMMODITIES.

Section 9 of the Reclamation Projects Act of 1939 (43 U.S.C. 485h) is amended by inserting at the end thereof the following new subsection:

"(g)(1) All contracts entered into, renewed, or amended under authority of this section or any other provision of Federal reclamation law after—

"(A) two years after the date of the enactment of this subsection shall require that the organization agree by contract with the Secretary to pay at least 50 percent of full cost for the delivery of water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provisions of the Agricultural Act of 1949, if the stocks of such commodity in domestic storage exceed an amount that the Secretary of Agriculture determines is necessary to provide for a reserve of such commodity that can reasonably be expected to meet a shortage of such commodity caused by foreseeable disruptions in the supply of such commodity, as determined by the Secretary of Agriculture; and

"(B) four years after the date of the enactment of this subsection shall require that the organization agree by contract with the Secretary to pay at least full cost for the delivery of water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provisions of the Agricultural Act of 1949, if the stocks of such commodity in domestic storage exceed an amount that the Secretary of Agriculture determines is necessary to provide for a reserve of such commodity that can reasonably be expected to meet a shortage of such commodity caused by foreseeable disruptions in the supply of such commodity, as determined by the Secretary of Agriculture.

"(2) The Secretary shall announce the amount of the full cost payment for the succeeding year on or before July 1 of each year.

"(3)(A) The Secretary shall credit against any additional payment obligation established by this subsection 70 percent of the costs incurred by individuals or districts subject to the provisions of this subsection during the period beginning on the date of enactment of this subsection and ending on December 31, 1996, up to a maximum cost of $100 per irrigated acre, for the installation of water conservation measures approved by the Secretary. The Secretary shall grant such credit only upon finding that installation of such measures, and any mitigation pursuant to subparagraph (B), have been completed. Credit that exceeds such repayment obligation in any one year shall be applied in each succeeding year until fully utilized. Within one year from the date of enactment of this subsection, the Secretary shall promulgate rules to carry out the provisions of this paragraph.

"(B) Mitigation for fish and wildlife habitat losses, if any, incurred as a result of the installation and operation of such water conservation measures shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with installation of such conservation measures, and shall be the responsibility of the individual or district served by such measures.

"(4) As used in this subsection, the term 'full cost' shall have the meaning given such term in paragraph (3) of section 202 of the Reclamation Reform Act of 1982.

"(5) This subsection shall not apply to—

"(A) any contract which provides for irrigation on individual Indian or tribal lands on which repayment is deferred pursuant to the Act of July 1, 1932 (chap. 369; 47 Stat. 564; 25 U.S.C. 386(a); commonly referred to as the 'Levitt Act');

"(B) an amendment of any contract with any organization which, on the date of enactment of this subsection, is required pursuant to a contract with the Secretary as a condition precedent to the delivery of water to make cash contributions of at least 20 percent of the cost of construction of irrigation facilities by the Secretary;

"(C) any contract which carries out the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294), 100 Stat. 418; and

"(D) water delivered to any agricultural producer who is not a participant in any acreage reduction program in effect under the Agricultural Act of 1949.".

TITLE XXVI—HIGH PLAINS GROUNDWATER PROGRAM

SEC. 2601. HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROGRAM ACT.

The High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g-1 et seq.) is amended as follows:

(1) Section 4(c)(2) and section 5 are each amended by striking "final report" each place it appears and inserting "summary report".

(2) Section 4(c) is amended by adding at the end the following:

"(3) In addition to recommendations made under section 3, the Secretary shall make additional recommendations for design, construction, and operation of demonstration projects. Such projects are authorized to be designed, constructed, and operated in accordance with subsection (a).

"(4) Each project under this section shall terminate 5 years after the date on which construction on the project is completed.

"(5) At the conclusion of phase II the Secretary shall submit a final report to the Congress which shall include, but not be limited to, a detailed evaluation of the projects under this section.".

(3) Section 7 is amended by striking "$20,000,000 (October 1983 price levels)" and inserting in lieu thereof "$34,000,000 (October 1990 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein".

TITLE XXVII—SOLANO PROJECT TRANSFER AND PUTAH CREEK IMPROVEMENT

SEC. 2701. SHORT TITLE.

This title may be cited as the "Solano Project Transfer and Putah Creek Improvement Act".

SEC. 2702. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Solano Project is a Federal reclamation project located in Solano, Yolo, and Napa Counties, California. The project was constructed by the United States between 1953 and 1958 for the purposes of providing water supply and incidental flood control benefits;

(2) the Solano Project supplies approximately 65 per centum of Solano County's public water supply;

(3) the California State Water Resources Control Board has granted, pursuant to California law, water rights permits to the Bureau of Reclamation for the Solano Project which establish that Solano County is the place of use for Solano Project water, with the exception of four thousand acre-feet used annually by the University of California-Davis in Yolo County pursuant to contract, and with a provisional reservation of up to thirty-three thousand acre-feet for the Putah Creek watershed above Monticello Dam;

(4) repayment of the Solano Project's reimbursable capital costs is the exclusive obligation of the Solano County Water Agencies, and said agencies have repaid more than half of these costs;

(5) the Solano County Water Agencies perform all operation and maintenance for the Solano Project under contract with the United States, and they have paid all operation and maintenance costs of the project;

(6) the Solano Project has no financial or physical interconnection with any other local, State, or Federal water project;

(7) the Solano Project impounds and diverts the waters of Putah Creek, which support riparian habitat, including a riparian reserve operated by the University of California, and both a cold water fishery and a warm water fishery;

(8) the United States Fish and Wildlife Service currently is preparing a Putah Creek Resource Management Plan; and

(9) interested local public agencies and private organizations in Solano and Yolo Counties have formed an advisory group to provide advice regarding Putah Creek enhancement activities.

(b) PURPOSES.—The purposes of this title are—

(1) to convey to the Water Users fee title to the water supply facilities of the Solano Project upon payment to the United States by the Water Users of the sum calculated in accordance with section 2704 of this title;

(2) to provide for continuation of all public benefit purposes of the Solano Project;

(3) to protect Putah Creek fisheries, wildlife and riparian habitat, ground water recharge and diversion rights downstream of the Putah Diversion Dam in conformance with all applicable decisions and orders of the California State Water Resources Control Board and courts of competent jurisdiction, and all applicable State laws;

(4) to provide for enhancement of Putah Creek fisheries, wildlife and riparian habitat;

(5) to provide the Water Users with local ownership over their principal public water supply facilities;

(6) to eliminate significant Federal liabilities; and

(7) to benefit the Federal Treasury from such payment and title transfer.

SEC. 2703. DEFINITIONS.

For the purposes of this title, the term:

(a) "Book value" of the water supply facilities means an amount which equals the product of the depreciable facilities costs and the applicable depreciation factor.

(b) "Capital/O&M adjustment" means the amount in arrears, if any, of capital repayments or operation and maintenance expenses due pursuant to the water service contract, plus accrued interest.

(c) "Construction defect and dam safety adjustment" means $7,270,000 for purposes of this Act.

(d) "Depreciable facilities costs" means the reimbursable capital costs of the water supply facilities of the Project which are to be transferred.

(e) "Depreciation factor" means a percentage derived by calculating the number and fraction of years between the date of purchase and the year 2033 and then dividing by 75.

(f) "Interim water releases" means: (1) releases into Lower Putah Creek of water owned by the Water Users, or any constituent entity thereof, in an amount not to exceed 2,700 acre-feet in 1991 and 3,000 acre-feet in 1992; and (2) releases into lower Putah Creek of water owned by the Yolo County Entities, or any member thereof, in an amount not to exceed 3,000 acre-feet in either 1991 or 1992.

(g) "Lower Putah Creek Coordinating Committee" means an advisory committee established to assist the Secretary in coordinating Federal, State and local efforts to protect and enhance the habitat of Putah Creek. This Committee is to consist of a maximum of fourteen members, up to seven of which are to be appointed by the Water Users and up to seven of which are to be appointed by the Yolo County Entities. The Committee is not an agency or establishment of the United States.

(h) "Lower Putah Creek" means that portion of Putah Creek extending from the Putah Diversion Dam to the Yolo Bypass in Yolo County, California.

(i) "Reimbursable capital costs" means the original reimbursable costs of the Solano Project, as set forth in the Bureau of Reclamation document entitled "Solano Project Statement of Project Construction Cost and Repayment," dated September 30, 1989 ("Solano Project Statement") attached as Appendix "A" in the report accompanying H.R. 429.

(j) "Remaining indebtedness" means the remaining balance of the reimbursable capital costs of the Solano Project, as set forth in the Solano Project Statement, and as adjusted thereafter to reflect any payments made prior to the date of transfer.

(k) "Secretary" means the Secretary of the Interior.

(l) "Solano County Water Agencies" means one or more public agencies in Solano County which have used water from the Solano Project and who are member agencies of the Water Users.

(m) "Solano Project" means the reclamation project described in House Document Numbered 65, Eighty-first Congress, first session (1949).

(n) "Water service contract" means the contract between the United States and the Solano County Flood Control and Water Conservation District for water service and for operation and maintenance of certain works of the Solano Project, dated March 7, 1955 (Contract No. 14–06–200–4090).

(o) "Water supplies facilities" means—

(1) the Monticello Dam and spillway;

(2) Lake Solano, its lands and facilities, and the Putah Diversion Dam;

(3) the Putah South Canal; and

(4) all appurtenant facilities, lands, easements and rights-of-way.

This term does not include Lake Berryessa, its shoreline or any recreational features of the Solano Project, excepting recreational facilities leased and operated by Solano County on lands surrounding Lake Solano.

(p) "Water Users" means a public agency formed under the laws of the State of California duly organized and existing—

(1) including all member public agencies of the Solano Water Authority and the Solano County Water Agency, public agencies formed under the laws of the State of California;

(2) having a governing board in which a majority of the members are representatives of those local entities holding contracts for water from the Solano Project on the date of enactment of this title; and

(3) approved by both the Solano Water Authority and the Solano County Water Agency.

(q) "Yolo County Entities" means a group consisting of authorized representatives of the county of Yolo, the Yolo County Flood Control and Water Conservation District, the city of Davis, the city of Winters, the University of California at Davis, and the Putah Creek Council.

(r) "Uncontrolled Releases" means water bypassed or released at the Putah Diversion Dam which is not required to be released pursuant to section 2706(c) of this title, or to meet contract or state-law requirements.

SEC. 2704. TRANSFER OF THE SOLANO PROJECT WATER SUPPLY FACILITIES, OPERATIONS AGREEMENT AND PAYMENT.

(a) AGREEMENT.—The Secretary shall, as soon as practicable after the date of enactment of this title, enter into an agreement with the Water Users for the implementation of section 2705(b) of this title.

(b) The Secretary shall, upon execution of the agreement described in section 2704(a) of this title and payment of the sum calculated in accordance with section 2704(c) of this title, and subject to the provisions of sections 2706(a) and 2707(a) of this title, transfer to the Water Users all right, title and interest in and to the water supply facilities of the Solano Project described in section 2703(o).

(c) PRICE.—The price paid by the Water Users for the water supply facilities of the Solano Project shall be the amount which is the total of—

(1) the remaining indebtedness;

(2) the book value of the water supply facilities;

(3) any capital/O&M adjustment amount; and

(4) all administrative costs incurred by the United States in effectuating the agreement and the transfer, less

(5) the dam safety and construction defect adjustment: Provided, however, That in no event shall the sum determined in subparagraphs (1)–(5) of this subsection above be less than 66 per centum of the original reimbursable capital costs of the water supply facilities of the Solano Project which are to be transferred.

SEC. 2705. RESPONSIBILITIES OF THE WATER USERS.

(a) Upon transfer of the water supply facilities, the Water Users shall, except as provided in this title: (1) assume all liability for administration, operation, and maintenance of said facilities and continue to provide for the operation thereof for the authorized Solano Project purposes including (but not limited to) all water supply contracts heretofore entered into by the Secretary; (2) protect Putah Creek fisheries, wildlife, riparian habitat, ground water recharge, and downstream diversion rights, including adhering to minimum water release schedules for Putah Creek downstream of Monticello Dam and Putah Diversion Dam in conformance with all applicable decision and orders of the State of California Water Resources Control Board and courts of competent jurisdiction and all applicable State laws; and (3) continue to provide the incidental flood control benefits currently enjoyed by downstream property owners on Putah Creek.

(b) The Water Users shall cooperate with the United States and the Lower Putah Creek Coordinating Committee to implement the supplemental releases for Putah Creek enhancement purposes mandated by section 2704. Such cooperation may include releasing Solano Project water from Monticello Dam and past the Putah

Diversion Dam into Lower Putah Creek in exchange for water provided by the Secretary from other sources: Provided, That the Secretary shall pay the Water Users any actual costs that they may incur as a result of such exchange, less any savings that result from such exchange.

SEC. 2706. RESPONSIBILITIES OF THE UNITED STATES

(a) PRETRANSFER CONFIRMATION.—The Secretary may not transfer title to the water supply facilities of the Solano Project unless the Secretary confirms that all of the Solano Project member units have executed an agreement addressing their respective contractual entitlements. These member units are the city of Fairfield, Maine Prairie Water District, Solano Irrigation District, city of Suisun City, city of Vacaville, city of Vallejo, California Medical Facility, and University of California, Davis.

(b) RECREATION.—(1) The Secretary shall be responsible for, and retain full title to and jurisdiction and control over the surface of Lake Berryessa and Federal lands underlying and surrounding the Lake, and shall retain full title to all Lake Berryessa recreational facilities, exclusive of those properly constructed by concessionaires under applicable contracts; concessionaire contracts, interests in real property associated therewith; and similar associated rights and obligations. The Secretary shall consult with the State of California and local governments in Napa County, California, prior to implementing any change in operating procedures for such lands. The Secretary is authorized to enter into contracts or other agreements with Napa County, California, regarding land use controls, law enforcement, water supply, wastewater treatment, and other matters of concern within the boundaries of lands surrounding Lake Berryessa that were originally included in the lands acquired from the Solano Project.

(2) The Secretary, acting through the Bureau of Reclamation, is authorized to obtain water from Lake Berryessa consistent with its existing State water rights permit for recreational or other resource management purposes at Lake Berryessa, including that required for concession operation, in the manner, amounts, and at times as may be determined by the Bureau of Reclamation.

(3) The Secretary, acting through the Bureau of Reclamation, is authorized to make available, subject to appropriation, funds collected from recreation entrance and user fees, to local and/or State law enforcement agencies to enforce rules and regulations as are necessary for regulating the use of all project lands and waters associated with Lake Berryessa, and to protect the health, safety, and enjoyment of the public, and ensure the protection of project facilities and natural resources.

(4) The Secretary is hereby authorized to enter into joint future projects with Lake Berryessa concessionaires to develop, operate, and maintain such short-term recreational facilities as he deems necessary for the safety, health, protection, and outdoor recreational use by the visiting public, and, to amend existing concession agreements, including extending terms as necessary for amortization of concessionaire investments, to accommodate such joint future projects.

(5) The Secretary is authorized to assist, or enter into agreements with the State of California, or political subdivision thereof, or a non-Federal agency or agencies or organizations as appropriate, for the planning, development and construction of water and wastewater treatment systems, which would result in the protection and improvement of the waters of Lake Berryessa.

(6) Funds collected from recreation entrance and user fees may be made available, subject to appropriation, for the operation, management and development of recreational and resource needs at Lake Berryessa.

(7) No activities upon the recreational interests hereby reserved to the United States shall, as determined by the Secretary after consultation with the Water Users, burden the Water Users' use of the water supply facilities of the Solano Project, reduce storage capacity or yield of Lake Berryessa, or degrade the Solano Project's water quality, except that, as described in subsection (b)(2) of this section, water will be made available for recreational and resource management purposes: And provided further, That this subsection will not apply to the particular Lake Berryessa recreational uses and operating procedures in existence on the date of the enactment of this legislation.

(8) Notwithstanding any provision in subsection (b) of this section, before the Secretary takes any action authorized by this subsection, including but not limited to the selection and/or approval of the Reservoir Area Management Plan (RAMP) for Lake Berryessa and surrounding lands, the Secretary shall consult with the County of Napa and determine that the proposed action is consistent with the Napa County General Plan, as amended.

(c) PUTAH CREEK ENHANCEMENT.—(1) The Secretary is authorized and directed to participate in a program to enhance the instream, riparian and environmental values of Putah Creek. Such program shall be at full Federal cost, shall cause no reduction in Solano Project supplies, and shall include but need not be limited to the following—

(A) the Secretary shall consult with the Lower Putah Creek Coordinating Committee and the Water Users and take appropriate actions to implement the recommendations contained in the United States Fish and Wildlife Service's Putah Creek Resource Management Plan;

(B) in order to enhance flows in Putah Creek which are prescribed by the California State Water Resources Control Board or courts of competent jurisdiction, arrangements as are necessary shall be made to provide at no net cost to any other party 3,000 acre-feet of supplemental water supply for releases into Putah Creek during "normal years," and 6,000 acre-feet of supplemental water supply for releases into Putah Creek during "dry years." "Normal years" are water years in which the total inflow into Lake Berryessa is greater than or equal to 150,000 acre-feet. "Dry years" are water years in which the total inflow into Lake Berryessa is less than 150,000 acre-feet. For the purposes of this paragraph, "water year" means each twelve month period beginning on October 1 and ending on the next September 30. These amounts to be released shall be in addition to any uncontrolled releases. The schedule for said supplemental releases shall be developed by the Secretary after consultation with the Lower Putah Creek Coordinating Committee. The Secretary is hereby authorized to enter into such agreements as may be necessary to effectuate this subsection;

(C) for purposes of more efficiently conveying and distributing to Lower Putah Creek such supplemental supplies and any additional amounts that the California State Water Resources Control Board or courts of competent jurisdiction may deem appropriate, the Secretary is authorized to construct water conveyance and distribution facilities at a cost of approximately $3,000,000; and

(D) to compensate for the cost associated with the 1991–1992 interim water releases, as defined in subsection 3(f), the Secretary is authorized and directed to supply to the Water Users and/or Yolo County Entities, or any member entities thereof providing the interim water releases, water in an amount equal to those interim water releases actually made or, in the alternative, to reimburse the parties making such releases for all costs associated with such releases.

(2) There are hereby authorized to be appropriated such sums as may be necessary to implement subsections (B), (C), and (D) of this section.

SEC. 2707. PAYMENT.

(a) PAYMENT.—The Secretary shall transfer all right, title, and interest in and to the water supply facilities of the Solano Project to the Water Users after the Secretary has received notification that the Water Users have made the payment specified in section 2704(b).

(b) DISPOSITION OF PAYMENT.—(1) All proceeds from the transfer of the Solano Project will be dedicated to environmental purposes. Eighty percent of the price paid for the water supply facilities of the Solano project as specified in section 4(c) shall be deposited in a separate account by the Secretary. Interest from such account shall be utilized by the Secretary for matching grants with nonprofit organizations and institutions in California for fish and wildlife conservation. The remaining 20 percent paid for the water supply facilities shall be expended by the Secretary for the purpose of protecting and enhancing Lower Putah Creek, and may include expenditures for the purposes of acquiring property, including water rights, making improvements to property, and conducting studies and wildlife management activities. The portion of sale proceeds designated for Lower Putah Creek protection and enhancement shall thereafter be maintained by the Secretary in a separate account. Monies and interest from such account may be expended by the Secretary for the sole purpose of funding projects designed for Lower Putah Creek protection and enhancement purposes, including the payment of direct costs associated with meeting with Secretary's responsibilities under section 2706(c)(1)(B) of this title, in accordance with criteria developed by the Secretary in consultation with the Lower Putah Creek Coordinating Committee.

(2) All funds under this section shall be available only to the extent provided in an annual appropriation for such purposes.

SEC. 2708. VESTED RIGHTS AND STATE LAWS UNAFFECTED.

Nothing in this title shall—

(a) be construed as affecting or intending to affect or to interfere in any way with the State laws relating to the control, appropriation, use, or distribution of water used for the Solano Project, or any vested right acquired thereunder; and

(b) in any way affect or interfere with State laws relating to the protection of fish and wildlife or instream flow requirements, or any right of the State of California or any landowner, appropriator, or user of surface water or ground water in, to, from or connected with Putah Creek or its tributaries.

TITLE XXVIII—DESALINATION

SEC. 2801. TECHNICAL ASSISTANCE.

The Secretary is authorized to provide technical assistance to States and to local government entities to assist in the development, construction, and operation of water desalination projects, including technical assistance for purposes of assessing the technical and economic feasibility of such projects.

TITLE XXIX—SAN JUAN SUBURBAN WATER DISTRICT

SEC. 2901. REPAYMENT OF WATER PUMPS, SAN JUAN SUBURBAN WATER DISTRICT, CENTRAL VALLEY PROJECT, CALIFORNIA.

(a) WATER PUMP REPAYMENT.—The Secretary shall credit to the unpaid capital obligation of the San Juan Suburban Water District (District), as calculated in accordance with the Central Valley Project ratesetting policy, an

amount equal to the documented price paid by the District for pumps provided by the District to the Bureau of Reclamation, in 1991, for installation at Folsom Dam, Central Valley Project, California.

(b) CONDITIONS.—(1) The amount credited shall not include any indirect or overhead costs associated with the acquisition of the pumps, such as those associated with the negotiation of a sales price or procurement contract, inspection, and delivery of the pumps from the seller to the Bureau of Reclamation.

(2) The credit is effective on the date the pumps were delivered to the Bureau of Reclamation for installation at Folsom Dam.

TITLE XXX—TRINITY RIVER DIVISION, CENTRAL VALLEY PROJECT

SEC. 3001. INSTREAM RELEASES FROM THE TRINITY RIVER DIVISION, CENTRAL VALLEY PROJECT, FOR FISHERY RESTORATION AND FULFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.

(a) INSTREAM RELEASES.—In order to meet Federal trust responsibilities to protect the fishery resources of the Hoopa Valley Tribe, and to achieve the fishery restoration goals of the Act of October 24, 1984 (98 Stat. 2721, Public Law 98-541), for water years 1992 through 1996, the Secretary of the Interior, through the Trinity River Division of the Central Valley Project, shall provide an instream release of water to the Trinity River for the purposes of fishery restoration, propagation, and maintenance of not less than 340,000 acre-feet per year. For any water year during this period for which the forecasted inflow to the Central Valley Project's Shasta Reservoir equals or exceeds 3,200,000 acre-feet, based on hydrologic conditions as of June 1 and an exceedance factor of 50 percent, the Secretary shall provide an additional instream fishery release to the Trinity River of not less than 10 percent of the amount by which forecasted Shasta Reservoir inflow for that year exceeds 3,200,000 acre-feet.

(b) COMPLETION OF STUDY.—By September 30, 1996, the Secretary, with the full participation of the Hoopa Valley Tribe, shall complete the Trinity River Flow Evaluation Study currently being conducted by the United States Fish and Wildlife Service under the mandate of the Secretarial Decision of January 14, 1981, in a manner which insures the development of recommendations, based on the best available scientific data, regarding permanent instream fishery flow requirements and Trinity River Division operating criteria and procedures for the restoration and maintenance of the Trinity River fishery.

(c) STUDY RECOMMENDATIONS.—Not later than December 31, 1996, the Secretary shall forward the recommendations of the Trinity River Flow Evaluation Study, referred to in subsection (b) of this section, to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate. If the Secretary and the Hoopa Valley Tribe concur in these recommendations, any increase to the minimum Trinity River instream fishery releases established in subsection (a) and the operating criteria and procedures referred to in subsection (b) shall be implemented accordingly. If the Hoopa Valley Tribe and the Secretary do not concur, the minimum Trinity River instream fishery releases established in subsection (a) shall remain in effect unless increased by an Act of Congress, appropriate judicial decree, or agreement between the Secretary and the Hoopa Valley Tribe.

TITLE XXXI—BUY AMERICAN PROVISIONS

SEC. 3101. BUY AMERICAN PROVISIONS.

(a) The Secretary shall insure that the requirements of the Buy American Act of 1933, as amended, apply to all procurements made under this Act.

(b) DETERMINATION BY THE SECRETARY.—(1) If the Secretary, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary shall rescind the waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any agreement between the United States and a foreign country pursuant to which the head of an agency of the United States Government has waived the requirements of the Buy American Act with respect to certain products produced in the foreign country.

(3) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report on the amount of purchases from foreign entities under this Act from foreign entities in fiscal years 1992 and 1993. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(4) BUY AMERICAN ACT DEFINED.—For purposes of this section, the term "Buy American Act" means the title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(c) RESTRICTIONS ON CONTRACT AWARDS.—No contract or subcontract made with funds authorized under this title may be awarded for the procurement of an article, material, or supply produced or manufactured in a foreign country whose government unfairly maintains in government procurement a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses, as identified by the President pursuant to (g)(1)(A) of section 305 of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(a)). Any such determination shall be made in accordance with section 305.

(d) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract made with funds authorized under this title pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

TITLE XXXII—LIMITATION ON AUTHORIZATIONS OF APPROPRIATIONS

SEC. 3201. LIMITATION.

Notwithstanding any other provision of law, amounts expended, or otherwise made available, pursuant to this Act when aggregated with all other amounts expended, or otherwise made available, for projects of the Bureau of Reclamation for fiscal year 1992 may not exceed 102.4 percent of the total amounts expended, or otherwise made available, for projects of the Bureau of Reclamation in fiscal year 1991.

TITLE XXXIII—ELEPHANT BUTTE IRRIGATION DISTRICT

SEC. 3301. TRANSFERS.

The Secretary of the Interior is authorized to transfer to the Elephant Butte Irrigation District, New Mexico, and El Paso County Water Improvement District No. 1, Texas, without cost to the respective district, title to such easements, ditches, laterals, canals, drains, and other rights-of-way, which the United States has acquired on behalf of the project, that are used solely for the purpose of serving the respective district's lands and which the Secretary determines are necessary to enable the respective district to carry out operation and maintenance with respect to that portion of the Rio Grande Project to be transferred. The transfer of the title to such easements, ditches, laterals, canals, drains, and other rights-of-way located in New Mexico, which the Secretary has, that are used for the purpose of jointly serving Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, may be transferred to Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, jointly, upon agreement by the Secretary and both districts. Any transfer under this section shall be subject to the condition that the respective district assumes the responsibility for operating and maintaining their portion of the project. Title to, and management and operation of, the reservoirs and the works necessary for their protection and operation shall remain in the United States until otherwise provided by an Act of Congress.

TITLE XXXIV—CENTRAL VALLEY PROJECT REFORM ACT

SEC. 3401. SHORT TITLE.

This Act may be cited as the "Central Valley Project Reform Act".

SEC. 3402. PURPOSES.

The purposes of this Act shall be—

(a) to protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley basin of California;

(b) to address impacts of the Central Valley Project on fish, wildlife and associated habitats;

(c) to improve the operational flexibility of the Central Valley Project;

(d) to increase water-related benefits provided by the Central Valley Project to the State of California through expanded use of voluntary water transfers and improved water conservation;

(e) to study transfer of the Central Valley Project to non-Federal interests; and for other purposes.

SEC. 3403. DEFINITIONS.

As used in this Act—

(a) the term "anadromous fish" means those stocks of salmon (including steelhead), striped bass, sturgeon, and American shad that ascend the Sacramento and San Joaquin rivers and their tributaries and the Sacramento-San Joaquin Delta to reproduce after maturing in San Francisco Bay or the Pacific Ocean;

(b) the terms "artificial propagation" and "artificial production" mean spawning, incubating, hatching, and rearing fish in a hatchery or other facility constructed for fish production;

(c) the term "Central Valley Habitat Joint Venture" means the association of Federal and State agencies and private parties established for the purpose of developing and implementing the North American Waterfowl Management Plan as it pertains to the Central Valley of California;

(d) the terms "Central Valley Project" or "project" mean all Federal reclamation projects located within or diverting water from or to the watershed of the Sacramento and San Joaquin rivers and their tributaries as authorized by the Act of August 26, 1937 (50 Stat. 850) and all Acts

amendatory or supplemental thereto, including but not limited to the Act of October 17, 1940 (54 Stat. 1198, 1199), Act of December 22, 1944 (58 Stat. 887), Act of October 14, 1949 (63 Stat. 852), Act of September 26, 1950 (64 Stat. 1036), Act of August 27, 1954 (68 Stat. 879), Act of August 12, 1955 (69 Stat. 719), Act of June 3, 1960 (74 Stat. 156), Act of October 23, 1962 (76 Stat. 1173), Act of September 2, 1965 (79 Stat. 615), Act of August 19, 1967 (81 Stat. 167), Act of August 27, 1967 (81 Stat. 173), Act of September 28, 1976 (90 Stat. 1324) and Act of October 27, 1986 (100 Stat. 3050);

(e) the term "Central Valley Project service area" means that area of the Central Valley and San Francisco Bay Area where water service has been expressly authorized pursuant to the various feasibility studies and consequent congressional authorizations for the Central Valley Project;

(f) the term "Central Valley Project water" means all water that is diverted, stored, or delivered by the Bureau of Reclamation pursuant to water rights acquired pursuant to California law, including water made available under the so-called "exchange contracts" and Sacramento River settlement contracts;

(g) the term "Fish and Wildlife Advisory Committee" means the Central Valley Project Fish and Wildlife Advisory Committee established in section 9 of this Act;

(h) the term "full cost" has the meaning given such term in paragraph (3) of section 202 of the Reclamation Reform Act of 1982;

(i) the term "natural production" means fish produced to adulthood without direct human intervention in the spawning, rearing, or migration processes;

(j) the term "Reclamation laws" means the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto;

(k) the term "Refuge Water Supply Report" means the report issued by the Mid-Pacific Region of the Bureau of Reclamation of the United States Department of the Interior entitled Report on Refuge Water Supply Investigations, Central Valley Hydrologic Basin, California (March 1989);

(l) the terms "repayment contract" and "water service contract" have the same meaning as provided in sections 9(d) and 9(e) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195), as amended;

(m) the terms "Restoration Fund" and "Fund" mean the Central Valley Project Restoration Fund established by this Act; and,

(n) the term "Secretary" means the Secretary of the Interior.

SEC. 3404. LIMITATION ON CONTRACTING AND CONTRACT REFORM.

(a) NEW CONTRACTS.—Except as provided in subsection (b) of this section, the Secretary shall not enter into any new short-term, temporary, or long-term contracts or agreements for water supply from the Central Valley Project for any purpose other than fish and wildlife before—

(1) the provisions of subsections 6(b)–(e) of this Act are met;

(2) the California State Water Resources Control Board concludes its current review of San Francisco Bay/Sacramento-San Joaquin Delta Estuary water quality standards and determines the means of implementing such standards, including any obligations of the Central Valley Project, if any, and the Administrator of the Environmental Protection Agency shall have approved such standards pursuant to existing authorities; and,

(3) at least one hundred and twenty days shall have passed after the Secretary provides a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives explaining the obligations, if any, of the Central Valley Project system, including its component facilities and contracts, with regard to achieving San Francisco Bay/Sacramento-San Joaquin Delta Estuary water quality standards as finally established and approved by relevant State and Federal authorities, and the impact of such obligations on Central Valley Project operations, supplies, and commitments.

(b) EXCEPTION TO LIMIT ON NEW CONTRACTS.—In recognition of water shortages facing urban areas of California, and subsection (a) of this section notwithstanding, the Secretary is authorized to make available 100,000 acre-feet of Central Valley Project water for sale through water service contracts not to exceed twenty years in length to any California water district, agency, member district or agency, municipality, or publicly regulated water utility, without discrimination among them, for municipal and industrial purposes, except that no water shall be made available under this subsection until the State of California has entered into a binding agreement with the Secretary concerning the cost allocations set forth in section 6 of this Act. In carrying out this subsection, the Secretary shall—

(1) provide public notice of the availability of such water and be available to receive offers for such water for a period not to exceed one week in duration beginning not less than sixty days after enactment of this Act;

(2) make all such offers public immediately upon completion of the period for submission of bids established under paragraph (1) of this subsection;

(3) take such measures as are necessary to ensure that prospective agency purchasers do not engage in anti-competitive behavior;

(4) accept the offers of the water agency or agencies offering the greatest monetary payments per acre-foot of water made available by the Secretary, except that—

(A) such payment must be greater than $100 per acre-foot of contractual commitment annually and, in addition, cover all Federal costs associated with the proposed sale and delivery;

(B) delivery under the contract must be feasible using existing facilities; and

(C) the proposed use of the water must be consistent with State and Federal law.

All revenues collected by the Secretary from the contract or contracts authorized by this subsection, other than actual operation and maintenance costs, shall be covered into the Restoration Fund.

(c) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—Notwithstanding the provisions of the Act of July 2, 1956 (70 Stat. 483), the Secretary may renew any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project for a period not exceeding 20 years, except that the Secretary shall first analyze the impacts of such proposed contract pursuant to Federal and State environmental laws.

(d) ENVIRONMENTAL REVIEW OF PROPOSED CONTRACT RENEWALS.—Not later than three years after the date of enactment of this Act, the Secretary shall prepare a programmatic environmental impact statement analyzing the impacts of the potential renewal of all existing Central Valley Project water contracts, including impacts within the Sacramento, San Joaquin, and Trinity river basins, and the San Francisco Bay/Sacramento-San Joaquin River Delta and Estuary.

(e) INCLUDING RESULTS OF ENVIRONMENTAL STUDIES.—The provisions of any contract renewed under authority of subsection (c) of this section shall be subject to further modifications by the Secretary based on any environmental impact statements carried out under subsections (c) or (d) of this section.

(f) WATER IDENTIFIED FOR FISH AND WILDLIFE PURPOSES.—Any Central Valley Project water service or repayment contract entered into, renewed, or amended under this section shall provide that the Secretary may, under procedures specified in this Act, allocate a portion of the water supply contained in such contract for the purposes specified in section 6 of this Act.

(g) CHANGE IN THE APPLICATION OF THE 1956 ACT.—Notwithstanding any provision to the contrary in any existing contract, the provisions of the Act of July 2, 1956 (53 Stat. 1187, U.S.C.) shall not apply to any Central Valley Project water service or repayment contract entered into, renewed or amended under any provision of the Federal Reclamation law after December 31, 1995. After December 31, 1995, the Secretary shall not be under any obligation to enter into, renew, or amend any water service or repayment contracts in the Central Valley Project with any district or individual who has previously had such a contract prior to the date of enactment of this Act. Any Central Valley Project water service or repayment contract entered into, renewed or amended after the date of enactment of this Act and prior to December 31, 1995 shall contain the renewal provisions of the Act of July 2, 1956 for the term of such contract, and any additional renewals.

SEC. 3405. WATER TRANSFERS, IMPORTED WATER MANAGEMENT AND CONSERVATION.

(a)(1) WATER TRANSFERS.—Subject to review and approval by the Secretary, all individuals or districts who receive Central Valley Project water under service or repayment contracts entered into prior to or after the date of enactment of this Act are authorized to transfer all water subject to such contract to any other California water user or water agency, State agency, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law. Except as provided herein, the terms of such transfers shall be set by mutual agreement between the transferee and the transferor.

(2) CONDITIONS FOR TRANSFERS.—Transfers of Central Valley Project water authorized by this subsection shall be subject to the following conditions:

(A) No transfers shall be made in excess of the average annual quantity of water under contract actually delivered to the contracting district or agency between 1985 and 1989.

(B) All water under the contract which is transferred to any district or agency which is not a Central Valley Project contractor at the time of enactment of this Act shall, if used for irrigation purposes, be repaid at the greater of the full-cost or cost of service rates or, if the water is used for municipal and industrial purposes, at the greater of the cost of service or municipal and industrial rates.

(C) No water transfers authorized under this section shall be approved unless the transfer is between a willing buyer and a willing seller under such terms and conditions as may be mutually agreed upon.

(D) No water transfer authorized under this section shall be approved unless the transfer is consistent with State law, including but not limited to, the provisions of the California Environmental Quality Act.

(E) All transfers authorized under this section shall be deemed a beneficial use of water by the transferor.

(F) All transfers in excess of 20 percent of the water in any district contract shall be approved by such district based on reasonable terms and conditions. Any review and approval of such transfer by a district shall be undertaken in a public process similar to those provided for in section 226 of Public Law 97–293.

(G) All transfers entered into pursuant to this subsection between Central Valley Project water

contractors and entities outside the Central Valley Project service area shall be subject to a right of first refusal on the same terms and conditions by entities within the Central Valley Project service area. The right of first refusal must be exercised within ninety days from the date that notice is provided of the proposed transfer. Should an entity exercise the right of first refusal, it must compensate the transferee who had negotiated the agreement upon which the right of first refusal is being exercised for that entity's full costs associated with the development and negotiation of the transfer.

(H) Any water transfer approved pursuant to this subsection shall not be considered as conferring supplemental or additional benefits on Central Valley Project water contractors as provided in section 203 of Public Law 97–293 (43 U.S.C. 390(cc)).

(I) No transfer shall be approved unless the Secretary has determined that the transfer will have no adverse effect on the Secretary's ability to deliver water pursuant to the Secretary's Central Valley Project contractual obligations because of limitations in conveyance or pumping capacity.

(J) The agricultural water subject to any water transfer undertaken pursuant to this subsection shall be that water that would have been consumptively used on crops had those crops been produced during the year or years of the transfer or water that would have otherwise been lost to beneficial use.

(K) No transfer shall be approved unless the Secretary determines that the program will have no significant long-term adverse impact on groundwater conditions.

(b) METERING OF WATER USE REQUIRED.—All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this Act, shall provide that the contracting district or agency shall ensure that all surface water delivery systems within its boundaries are equipped with volumetric water meters or equally effective water measuring methods within five years of the date of contract execution, amendment, or renewal, and that any new surface water delivery systems installed within its boundaries on or after the date of contract renewal are so equipped. The contracting district or agency shall inform the Secretary and the State of California annually as to the volume of surface water delivered within its boundaries.

(c) STATE AND FEDERAL WATER QUALITY STANDARDS.—All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this Act, shall provide that the contracting district or agency shall be responsible for compliance with all applicable State and Federal water quality standards applicable to surface and subsurface agricultural drainage discharges generated within its boundaries.

(d) WATER PRICING REFORM.—All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this Act, shall provide that all project water subject to contract shall be made available to districts, agencies, and other contracting entities pursuant to a system of tiered water pricing. Such a system shall specify rates for each district, agency or entity based on an inverted block rate structure with the following provisions—

(1) the first rate tier shall apply to a quantity of water up to 60 percent of the contract total and shall be not less than the applicable contract rate;

(2) the second rate tier shall apply to that quantity of water over 60 percent and under 80 percent of the contract total at a level halfway between the rates established under paragraphs (1) and (3) of this subsection;

(3) the third rate tier shall apply to that quantity of water over 80 percent of the contract total and shall not be less than full cost;

(4) rates shall be adjusted annually for inflation; and,

(5) the Secretary shall charge contractors only for water actually delivered.

(e) WATER CONSERVATION STANDARDS.—The Secretary shall establish and administer an office on Central Valley Project water conservation best management practices that shall, in consultation with the Secretary of Agriculture, the California Department of Water Resources, California academic institutions, and Central Valley Project water users, develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982:

(1) Criteria developed pursuant to this subsection shall be established within six months following enactment of this Act and shall be reviewed periodically thereafter, but no less than every three years, with the purpose of promoting the highest level of water use efficiency achievable by project contractors using best available technology and best management practices. The criteria shall include, but not be limited to agricultural water suppliers' efficient water management practices developed pursuant to California State law or suitable alternatives.

(2) The Secretary, through the office established under this subsection, shall review and evaluate within 18 months following enactment of this Act all existing conservation plans submitted by project contractors to determine whether they meet the conservation and efficiency criteria established pursuant to this subsection.

(3) In developing the water conservation best management practice criteria required by this subsection, the Secretary shall take into account and grant substantial deference to the recommendations for action proposed in the Final Report of the San Joaquin Valley Drainage Program, entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

(f) INCREASED REVENUES APPLIED TO REIMBURSABLE COSTS.—Except as otherwise provided in this section, all revenues received by the Secretary under paragraph (a) of this section shall be covered to the Restoration Fund.

SEC. 3406. FISH, WILDLIFE AND HABITAT RESTORATION.

(a) AMENDMENTS TO CENTRAL VALLEY PROJECT AUTHORIZATIONS.—Act of August 26, 1937.—Section 2 of the Act of August 26, 1937 (chapter 832; 50 Stat. 850), as amended, is amended—

(1) in the second proviso of subsection (a), by inserting "and mitigation, protection, restoration and enhancement of fish and wildlife," after "Indian reservations,";

(2) in the last proviso of subsection (a), by striking "domestic uses;" and inserting "domestic uses and fish and wildlife mitigation, protection and restoration purposes;" and by striking "power" and inserting "power and fish and wildlife enhancement";

(3) by adding at the end the following: "The mitigation for fish and wildlife losses incurred as a result of construction, operation, or maintenance of the Central Valley Project shall be concurrent with such activity and shall be based on the replacement of ecologically equivalent habitat." and

(4) by adding at the end the following:

"(e) Nothing in this Act shall limit the State's authority to condition water rights permits for the Central Valley Project to make water available to preserve, protect, or restore, fish and wildlife and their habitat.".

(b) FISH AND WILDLIFE RESTORATION ACTIVITIES.—The Secretary, in consultation with the Central Valley Project Fish and Wildlife Advisory Committee established under section 9 of this Act (hereafter "Fish and Wildlife Advisory Committee") and in cooperation with other State and Federal agencies, is authorized and directed to—

(1) develop within 18 months of enactment and implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustained, on a long-term basis, at levels not less than twice the average levels attained during the period of 1981–1990:

(A) This program shall give first priority to measures which protect and restore natural channel and riparian habitat values through direct and indirect habitat restoration actions, modifications to Central Valley Project operations, and implementation of the measures mandated by this subsection.

(B) As needed to achieve the goals of the program, the Secretary is authorized and directed to modify Central Valley Project operations to provide flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish. Instream flow needs for all Central Valley Project controlled streams and rivers shall be determined jointly by the United States Fish and Wildlife Service and the California Department of Fish and Game.

(C) With respect to mitigation or restoration of upper San Joaquin River fish, wildlife, and habitat, the Secretary is directed to participate in the San Joaquin River Management Program under development by the State of California. In support of the objectives of the San Joaquin River Management Program and the Stanislaus and Calaveras Basin Environmental Impact Statement, and in furtherance of the purposes of this Act, the Secretary, in consultation with the Fish and Wildlife Advisory Committee and affected counties and interests, shall evaluate in-basin needs in the Stanislaus River basin, and shall investigate alternative storage, release, and delivery regimes for satisfying both in-basin and out-of-basin needs. Alternatives to be investigated shall include, but shall not be limited to, conjunctive use operations, conservation strategies, exchange arrangements, and the use of base and channel maintenance flows to assist in efforts to restore fish and wildlife populations and riparian habitat values in the San Joaquin River. Nothing in this Act or the amendments to the Act of August 26, 1937 shall be construed as requiring a re-establishment of flows between Gravely Ford and Mendota Pool for mitigation or restoration of fish, wildlife and habitat.

(D) Costs associated with this paragraph shall be reimbursable pursuant to existing statutory and regulatory procedures;

(2) upon enactment of this Act, and after implementing the operational changes authorized in subsection (b)(1)(B), make available project water for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this section, except that such water shall be in addition to that required to implement subsections (b)(6) and (b)(15)(A). This water may be assigned immediately to supplement instream flows. The United States Fish and Wildlife Service shall conduct studies and monitoring activities as may be necessary to determine the effectiveness of such flows in meeting the goal established in

subsection (b)(1). At the end of the initial five year period, the Secretary shall adjust the quantity of water assigned as necessary to meet the goal;

(3) develop and implement a program for the acquisition of a water supply adequate to meet the purposes and requirements of this section. Such a program should identify how the Secretary will secure this water supply, utilizing the following options in order of priority: improvements in or modifications of the operations of the project; conservation; transfers; conjunctive use; purchase of water; purchase and idling of agricultural land; reductions in deliveries to Central Valley Project contractors;

(4) develop and implement a program to mitigate fully for fishery impacts associated with operations of the Tracy Pumping Plant. Such program shall include, but is not limited to improvement or replacement of the fish screens and fish recovery facilities and practices associated with the Tracy Pumping Plant. Costs associated with this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(5) develop and implement a program to mitigate fully for fishery impacts resulting from operations of the Contra Costa Canal Pumping Plant No. 1. Such program shall provide for construction and operation of fish screening and recovery facilities, and for modified practices and operations. Costs associated with this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reinbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(6) install and operate a structural temperature control device at Shasta Dam to control water temperatures in the Upper Sacramento River in order to protect all life stages of anadromous fish in the Upper Sacramento River from Keswick Dam to Red Bluff Diversion Dam. Costs associated with planning and construction of the structural temperature control device shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(7) meet flow standards and objectives and diversion limits set forth in all State regulatory and judicial decisions which apply to Central Valley Project facilities;

(8) investigate the feasibility of using short pulses of increased water flows to increase the survival of migrating juvenile anadromous fish in the Sacramento-San Joaquin Delta and Central Valley rivers and streams. Costs associated with implementation of this subparagraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(9) develop and implement a program which will eliminate, to the extent possible, losses of anadromous fish due to flow fluctuations caused by the operation of any Central Valley Project storage facility. The program shall be patterned after the agreement between the California Department of Water Resources and the California Department of Fish and Game with respect to the operation of the California State Water Project Oroville Dam complex;

(10) develop and implement measures to correct fish passage problems for adult and juvenile anadromous fish at the Red Bluff Diversion Dam. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(11) rehabilitate and expand the Coleman National Fish Hatchery by implementing the United States Fish and Wildlife Service's Coleman National Fish Hatchery Development Plan, and modify the Keswick Dam Fish Trap to provide for its efficient operation at all project flow release levels. The operation of Coleman National Fish Hatchery shall be coordinated with all other mitigation hatcheries in California. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(12) develop and implement a program to restore the natural channel and habitat values of Clear Creek, construct new fish passage facilities at the McCormick-Saeltzer Dam, and provide flows in Clear Creek to provide optimum spawning, incubation, rearing and outmigration conditions for all races of salmon and steelhead trout. Flows shall be provided by the Secretary from Whiskeytown Dam as determined by instream flow studies conducted jointly by the California Department of Fish and Game and United States Fish and Wildlife Service. Costs associated with providing the flows required by this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California. Costs associated with channel restoration and passage improvements required by this paragraph shall be allocated 50 percent to the United States as a nonreimbursable expenditure and 50 percent to the State of California;

(13) develop and implement a program for the purpose of restoring and replenishing, as needed, spawning gravel lost due to the construction and operation of Central Valley Project dams, bank protection programs, and other actions that have reduced the availability of spawning gravel in the rivers impounded by Central Valley Project facilities. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(14) develop and implement a program which provides, as appropriate, for closure of the Delta Cross Channel and Georgiana Slough during times when significant numbers of striped bass eggs, larvae, and juveniles approach the Sacramento River intake to the Delta Cross Channel or Georgiana Slough. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(15) construct, in cooperation with the State of California, a barrier at the head of Old River to be operated on a seasonal basis to increase the survival of young outmigrating salmon that are diverted from the San Joaquin River to Central Valley Project and State Water Project pumping plants. The cost of constructing, operating and maintaining the barrier shall be shared equally by the State of California and the United States. The United States' share of costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(16) in support of the objectives of the Central Valley Habitat Joint Venture, deliver firm water supplies of suitable quality to maintain and improve wetland habitat on units of the National Wildlife Refuge System in the Central Valley of California, the Gray-Lodge, Los Banos, Volta, North Grasslands, and Mendota State wildlife management areas, and the Grasslands Resource Conservation District in the Central Valley of California:

(A) Upon enactment of this Act, the quantity and delivery schedules of water for each refuge shall be in accordance with Level 2 of the "Dependable Water Supply Needs" table for that refuge as set forth in the Refuge Water Supply Report or two-thirds of the water supply needed for full habitat development for those refuges identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. Such water shall be delivered until the water supply provided for in subparagraph (B) of this paragraph is provided.

(B) Not later than ten years after enactment of this Act, the quantity and delivery schedules of water for each refuge shall be in accordance with Level 4 of the "Dependable Water Supply Needs" table for that refuge as set forth in the Refuge Water Supply Report or the full water supply needed for full habitat development for those refuges identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation, 37.5 percent of the costs associated with implementation of this paragraph shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(C) The Secretary is authorized to construct such water conveyance facilities and wells as are necessary to implement this paragraph. The increment of water required to fulfill subparagraph (B) of this paragraph shall be acquired by the Secretary through voluntary water conservation, conjunctive use, purchase, lease, donations, or similar activities, or a combination of such activities which do not require involuntary reallocation of project yield. The priority or priorities applicable to such incremental water deliveries for the purpose of shortage allocation shall be the priority or priorities which applied to the water in question prior to its transfer to the purpose of providing such increment;

(17) establish a comprehensive assessment program to monitor fish and wildlife resources in the Central Valley and to assess the biological results of actions implemented pursuant to this section. 37.5 percent of the costs associated with implementation of this paragraph shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(18) develop and implement a plan to resolve fishery passage problems at the Anderson-Cottonwood Irrigation District Diversion Dam. Costs associated with implementation of this paragraph shall be allocated 50 percent to the United States as a nonreimbursable expenditure and 50 percent to the State of California;

(19) if requested by the State of California, assist in developing and implementing management measures to restore the striped bass fishery of the Bay-Delta estuary. Coats associated with implementation of this paragraph shall be allocated 50 percent to the United States as a reim-

bursable expenditure and 50 percent to the State of California. The United States' share of costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 50 percent shall be reimbursed as main project features and 50 percent shall be considered a nonreimbursable Federal expenditures;

(20) evaluate and revise, as appropriate, existing operational criteria in order to maintain minimum carryover storage at Sacramento and Trinity river reservoirs sufficient to protect and restore the anadromous fish of the Sacramento and Trinity rivers in accordance with the mandates and requirements of this subsection;

(21) participate with the State of California and other federal agencies in the implementation of the on-going program to mitigate fully for the fishery impacts associated with operations of the Glenn-Colusa Irrigation District's Hamilton City Pumping Plant. Such participation shall include replacement of the defective fish screens and fish recovery facilities associated with the Hamilton City Pumping Plant. This authorization shall not be deemed to supersede or alter existing authorizations for the participation of other Federal agencies in the mitigation program. 37.5 percent of the costs associated with implementation of this paragraph shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California;

(22) install a temperature control device on Lewiston Dam to conserve cold water for fishery protection, provided that the cost of such device shall not exceed $1,500,000. Such devices, with the same cost restriction, may also be installed on the Trinity and Whiskeytown dams if the Secretary deems it appropriate. 37.5 percent of the costs associated with implementation of this paragraph shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

If the Secretary and the State of California determine that long-term natural fishery productivity in the Sacramento River, American River, and San Joaquin River resulting from implementation of this section is better than conditions that existed in the absence of Central Valley Project facilities, any enhancement provided shall become credits to offset reimbursable costs associated with implementation of this section.

(c) ADDITIONAL HABITAT RESTORATION ACTIONS.—Not later than five years after enactment of this Act, the Fish and Wildlife Advisory Committee shall investigate and provide recommendations to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House on the following subjects:

(1) alternative means of improving the reliability and quality of water supplies currently available to privately owned wetlands in the Central Valley and the need, if any, for additional supplies;

(2) water supply and delivery requirements necessary to permit full habitat development for water dependent wildlife on 120,000 acres supplemental to the acreage referenced in paragraph (b)(15) of this section and feasible means of meeting that water supply requirement;

(3) measures to maintain suitable temperatures for anadromous fish survival in the Sacramento and San Joaquin rivers and their tributaries, and the Sacramento-San Joaquin Delta by controlling or relocating the discharge of irrigation return flows and sewage effluent, and restoring riparian forests;

(4) opportunities for additional hatchery production to mitigate the impacts of water development on Central Valley fisheries where no other feasible means of mitigation is available;

(5) measures to eliminate losses of juvenile anadromous fish resulting from unscreened or inadequately screened diversions on the Sacramento and San Joaquin rivers, their tributaries, and in the Sacramento and San Joaquin Delta, including measures such as construction of screens on unscreened diversions, rehabilitation of existing screens, replacement of existing non-functioning screens, and relocation of diversions to less fishery-sensitive areas;

(6) measures to eliminate barriers to upstream and downstream migration of salmonids in the Central Valley, including removal programs or programs for the construction of new fish ladders; and

(7) construction of temperature control structures on Trinity, Lewiston, and Whiskeytown dams to conserve cold water for fishery protection.

(d) REPORT ON PROJECT FISHERY IMPACTS.—The Secretary, in consultation with the Secretary of Commerce, the State of California, appropriate Indian tribes, and other appropriate public and private entities, shall investigate and report on all effects of the Central Valley Project on anadromous fish populations and the fisheries, communities, tribes, businesses and other interests and entities that have now or in the past had significant economic, social or cultural association with those fishery resources. The Secretary shall provide such report to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House of Representatives not later than two years after the date of enactment of this Act.

(e) ECOSYSTEM AND WATER SYSTEM OPERATIONS MODELS.—The Secretary, in consultation with the State of California and in consultation with the Fish and Wildlife Advisory Committee, and other relevant interests and experts, shall develop readily usable and broadly available models and supporting data to evaluate the ecologic and hydrologic effects of existing and alternative operations of public and private water facilities and systems in the Sacramento, San Joaquin, and Trinity river watersheds. The primary purposes of this effort shall be to support the Secretary's efforts in fulfilling the requirements of this Act through improved scientific understanding concerning, but not limited to, the following:

(1) a comprehensive water budget of surface and groundwater supplies, considering all sources of inflow and outflow available over extended periods;

(2) water quality;

(3) surface-ground and stream-wetland interactions;

(4) measures needed to restore anadromous fisheries to optimum and sustainable levels in accordance with the restored carrying capacities of Central Valley rivers, streams, and riparian habitats;

(5) development and use of base flows and channel maintenance flows to protect and restore natural channel and riparian habitat values;

(6) implementation of operational regimes at State and Federal facilities to increase springtime flow releases, retain additional floodwaters, and assist in restoring both upriver and downriver riparian habitats;

(7) measures designed to reach sustainable harvest levels of resident and anadromous fish, including development and use of systems of tradeable harvest rights;

(8) opportunities to protect and restore wetland and upland habitats throughout the Central Valley;

(9) measures to enhance the firm yield of existing Central Valley Project facilities, including improved management and operations, conjunctive use opportunities, development of offstream storage, levee setbacks, and riparian restoration. In implementing this subsection, all studies and investigations shall take into account and be fully consistent with the fish, wildlife, and habitat protection and restoration measures required by this Act or by any other state or federal law, statute, or regulation. One-half of the costs associated with implementation of this subsection shall be borne by the United States as a nonreimbursable cost, the other half shall be borne by the State of California.

SEC. 3407. RESTORATION FUND.

(a) RESTORATION FUND ESTABLISHED.—There is hereby established in the Treasury of the United States the "Central Valley Project Restoration Fund" (hereafter "Restoration Fund") which shall be available for deposit of donations from any source and revenues provided under this Act. Funds made available to the Restoration Fund are authorized to be appropriated to the Secretary to carry out the provisions of section 8(c), section 8(i), and the habitat restoration, improvement and acquisition (from willing sellers) provisions of this Act.

(b) MAXIMUM SURCHARGE ON WATER AND POWER SALES.—The Secretary shall impose an annual operations and maintenance charge on all sales of project power and water sufficient to generate $15,000,000 (October 1991 price levels) to be deposited in the Restoration Fund. The amount of the charge paid by Central Valley Project water and power users shall be assessed in the same proportion as their cost allocation.

(c) FUNDING TO NON-FEDERAL ENTITIES.—If the Secretary determines that the State of California or an agency thereof, or other nonprofit entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values is best able to implement an action authorized by this Act in an efficient, timely, and cost effective manner, the Secretary is authorized to provide funding to such entity to implement the identified action.

(d) LIMITATION OF EXPENDITURES.—The Secretary shall not expend any funds on construction of capital facilities authorized under section 6 of this Act as to which the State of California is required to contribute a share of total costs until the State of California has agreed to meet such cost sharing requirement.

SEC. 3408. ADDITIONAL AUTHORITIES.

(a) REGULATIONS AND AGREEMENTS AUTHORIZED.—The Secretary is authorized and directed to promulgate such regulations and enter into such agreements as may be necessary to implement the intent, purposes and provisions of this Act.

(b) USE OF ELECTRICAL ENERGY.—Electrical energy used to operate and maintain facilities developed for fish and wildlife purposes pursuant to this Act, including that used for groundwater development, shall be deemed as Central Valley Project power and shall be repaid by the user in accordance with Reclamation law and at a price not higher than the lowest price paid by or charged to Central Valley Project contractors.

(c) ACQUISITION OF ADDITIONAL WATER SUPPLY.—In order to carry out the intent, purposes and provisions of this Act, the Secretary is authorized to obtain water supplies from any source available to the Secretary, including, but not limited to direct purchase from willing sellers of water, acquisition of land and associated ground and surface water rights, water made available from conjunctive use projects, and implementation of on-farm water conservation practices where water conserved thereby will be made available to the Secretary.

(d) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—The Secretary is authorized to enter into contracts pursuant to Reclamation law and this Act with any Federal

agency, California water user or water agency, State agency, or private non-profit organization for the exchange, impoundment, storage, carriage, and delivery of Central Valley Project and non-project water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose, except that nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99-546 (100 Stat. 3051).

(e) USE OF PROJECT FOR WATER BANKING.—The Secretary, in consultation with the State of California, is authorized to enter into agreements to allow project contracting entities to use project facilities, where such facilities are not otherwise committed or required to fulfill project purposes or other Federal obligations, for supplying carry-over storage of irrigation and other water for drought protection, multiple-benefit credit-storage operations, and other purposes. The use of such water shall be consistent with and subject to applicable State laws.

(f) LIMITATION ON CONSTRUCTION.—This Act does not and shall not be interpreted to authorize construction of water storage facilities.

(g) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of the first full fiscal year after enactment of this Act, and annually thereafter, the Secretary shall submit a detailed report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives. Such report shall describe all significant actions taken by the Secretary pursuant to this Act and progress toward achievement of the intent, purposes and provisions of this Act. Such report shall include recommendations for authorizing legislation or other measures, if any, needed to implement the intent, purposes and provisions of this Act.

(h) RECLAMATION LAW.—This Act shall amend and supplement the Act of June 17, 1902, and Acts supplementary thereto and amendatory thereof.

(i) LAND RETIREMENT.—(1) The Secretary is authorized to purchase from willing sellers at fair market value land and associated water rights and other property interests identified in subsection (2) which receives Central Valley Project water under a contract executed with the United States.

(2) The Secretary is authorized to purchase, under the authority of subsection (i)(1), and pursuant to such rules and regulations as may be adopted or promulgated to implement the provisions of this subsection, agricultural land which, in the opinion of the Secretary—

(A) would, if permanently retired from irrigation, improve water conservation by a district, or improve the quality of an irrigation district's agricultural wastewater and assist the district in implementing the provisions of a water conservation plan approved under section 210 of the Reclamation Reform Act of 1982 and agricultural wastewater management activities developed pursuant to the recommendations contained in the final report of the San Joaquin Valley Drainage Program (September, 1990); or

(B) are no longer suitable for sustained agricultural production because of permanent damage resulting from severe drainage or agricultural wastewater management problems, groundwater withdrawals, or other causes.

(j) WATER CONSERVATION.—(1) The Secretary is authorized to undertake, in cooperation with Central Valley Project irrigation contractors, water conservation projects or measures needed to meet the requirements of this Act. The Secretary shall execute a cost-sharing agreement for any such project or measure undertaken. Under such agreement, the Secretary is authorized to pay up to 100 percent of the costs of such projects or measures. Any water saved by such projects or measures shall be made available to the Secretary in proportion to the Secretary's contribution to the total cost of such project or measure. Such water shall be used by the Secretary to meet the Secretary's obligations under this Act, including the requirements of section 6(b)(2). Such projects or measures must be implemented fully by the end of fiscal year 1999.

(2) There are authorized to be appropriated through the end of fiscal year 1997 $0 to carry out the provisions of this subsection. Funds appropriated under this subsection shall be a non-reimbursable Federal expenditure.

(k) CITIZEN SUITS.—(1) Any person may commence a civil suit in his or her own behalf against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under sections 4, 5, 6, 7, 8, and 12 of this Act which is not discretionary with the Secretary.

(2) The court may award costs of litigation (including reasonable expenses and attorney and expert witness fees) to any party other than the United States whenever the court determines such award is appropriate.

(3) The relief provided by this section shall not restrict any right which any person (or class of persons) may otherwise have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief.

(4) The district courts shall have jurisdiction to prohibit or prevent any violation of this Act, to compel any action required by this Act, and to issue any other order to further the purposes of this Act. An action under this section may be brought in any judicial district where the alleged violation occurred or is about to occur, where fish or wildlife resources affected by the alleged violation are located, or in the District of Columbia.

SEC. 3409. CENTRAL VALLEY PROJECT FISH AND WILDLIFE ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the "Central Valley Project Fish and Wildlife Advisory Committee", hereafter referred to as the "Fish and Wildlife Advisory Committee".

(b) DUTIES.—The Fish and Wildlife Advisory Committee shall make recommendations to the Secretary with respect to the fish, wildlife, and environmental restoration actions identified in section 6. Such recommendations shall be advisory in nature and shall not be binding on the Secretary, however, the Secretary shall give substantial deference to such recommendations in carrying out responsibilities under this Act. Should the Secretary not implement any recommendations made by the Fish and Wildlife Advisory Committee, the Secretary shall notify the Committee in writing and explain the reasons for rejecting the recommendation.

(c) APPOINTMENT AND MEMBERSHIP.—The Fish and Wildlife Advisory Committee shall be comprised of the Director of the U.S. Fish and Wildlife Service and the Governor of California, or their designees, and twenty additional members appointed by the Secretary in consultation with the Governor to provide—

(1) ten representatives of environmental and conservation interests (including one representative of the Hoopa Valley Tribe); and

(2) ten representatives of agricultural and urban water users (including one representative of Central Valley Project power users).

(d) TERMS.—The term of a member of the Fish and Wildlife Advisory Committee shall be five years, except that five of the members appointed pursuant to subsection (c)(1) and five of the members appointed pursuant to subsection (c)(2) shall be appointed for an initial term of three years. Any vacancy on the Committee shall be filled in the same manner as the original appointment.

(e) CHAIRMANSHIP AND VOTING.—The Fish and Wildlife Advisory Committee shall be co-chaired by the Director of the United States Fish and Wildlife Service and the Governor of California, or their designees. The Committee shall meet at the call of the co-chairs or upon the request of a majority of its members. The Committee shall operate with the objective of achieving consensus, but may provide recommendations based on a majority vote.

(f) ADMINISTRATION.—The Secretary, in cooperation with the State of California, shall provide the Fish and Wildlife Advisory Committee with necessary administrative and technical support service, including information relevant to the functions of the Committee. The Committee shall determine its organization and prescribe the practices and procedures for carrying out its functions, and may establish committees or working groups of technical representatives of Committee members to advise the Committee on specific matters.

(g) EXPENSES.—While away from their homes or regular places of business in the performance of service for the Fish and Wildlife Advisory Committee, members and their technical representatives shall be allowed travel expenses, including a per-diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in government service are allowed travel expenses under section 5703 of title 5, United States Code. Any Committee member or technical representative who is an employee of an agency or governmental unit of the United States or State of California and is eligible for travel expenses from that agency or unit for performing services for the Committee shall not be eligible for travel expenses under this subsection.

(h) GOVERNMENT EMPLOYEES.—Members of the Fish and Wildlife Advisory Committee and technical representatives who are full-time officers or employees of the United States or the State of California shall receive no additional pay, allowances, or benefits by reason of their service on the Committee.

(i) FEDERAL ADVISORY COMMITTEE ACT.—Except as provided in this section, the terms and provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended, (5 U.S.C. App. 2), shall apply to the Fish and Wildlife Advisory Committee.

(j) TERMINATION.—The Fish and Wildlife Advisory Committee shall cease to exist on December 31, 2010.

SEC. 3410. CENTRAL VALLEY PROJECT TRANSFER ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the "Central Valley Project Transfer Advisory Committee", hereafter referred to as the "Transfer Advisory Committee".

(b) MEMBERSHIP.—The Transfer Advisory Committee shall be comprised of 16 individuals, appointed as follows:

(1) 8 appointed by the Governor of California, one to represent each of the following organizations and interests:

(A) California Resources Agency;

(B) California State Water Resources Control Board;

(C) Central Valley Project agricultural water contractors;

(D) Central Valley Project municipal and industrial water contractors;

(E) Central Valley Project power contractors;

(F) environmental organizations;

(G) waterfowl conservation organizations; and

(H) fishery conservation organizations.

(2) 1 appointed by the President Pro Tempore of the California State Senate;

(3) 1 appointed by the Speaker of the California State Assembly;

(4) 2 appointed by the Secretary of the United States Department of the Interior to represent

individually the United States Fish and Wildlife Service and Bureau of Reclamation;

(5) the Inspector General of the Department of the Interior or his or her designee;

(6) the Administrator of the Environmental Protection Agency or his or her designee;

(7) the Comptroller General of the United States or his or her designee; and,

(8) 1 appointed by the Hoopa Valley Tribe.

(c) DUTIES.—The Transfer Advisory Committee shall prepare a report to Congress and the President on all issues associated with transfer of all Central Valley Project facilities and assets, assuming, first, that the transfer would be to the State of California, assuming, second that the transfer would be to Central Valley Project contractors, and assuming, third, that the transfer would be to a Commission with the members appointed by the Governor of California and the Secretary that would jointly operate the California State Water Project and the Central Valley Project. The Transfer Advisory Committee shall provide recommendations on which of these transfer options best serves the interests of the United States and the State of California, and on legislative and administrative measures required to execute such transfer which would ensure that—

(1) the fish and wildlife protection and restoration goals of this Act are achieved;

(2) the reserved fishing and water rights of affected Indian tribes are preserved, and the ability of the United States to meet its trust obligations with respect to such tribal assets is maintained;

(3) the Secretary's contractual obligations and rights associated with the Central Valley Project are fulfilled;

(4) the operations of the Central Valley Project and the California State Water Project are integrated to the maximum extent practicable; and

(5) Federal expenditures associated with the Central Valley Project are minimized.

(d) CHAIRMANSHIP AND VOTING.—The Transfer Advisory Committee shall be co-chaired by the Inspector General of the United States Department of the Interior and any individual selected by the Governor of California from among the Transfer Advisory Committee members appointed by the Governor of California pursuant to paragraph (a)(1) of this section. The Committee shall operate with the objective of achieving consensus, but may provide recommendations based on a majority vote.

(e) FEDERAL ADVISORY COMMITTEE ACT.—Except as provided herein, the terms and provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended, (5 U.S.C. App. 2), shall apply to the Advisory Committee.

(f) ADMINISTRATION.—The Secretary, in cooperation with the State of California, shall provide the Transfer Advisory Committee with necessary administrative and technical support service, including information relevant to the functions of the Committee. The Committee shall determine its organization and prescribe the practices and procedures for carrying out its functions, and may establish committees or working groups of technical representatives of Committee members to advise the Committee on specific matters.

(g) EXPENSES.—While away from their homes or regular places of business in the performance of service for the Transfer Advisory Committee, members and their technical representatives shall be allowed travel expenses, including a per-diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in government service are allowed travel expenses under section 5703 of title 5, United States Code. Any Committee member or technical representative who is an employee of an agency or governmental unit of the United States or State of California and is eligible for travel expenses from that agency or unit for performing services for the Committee shall not be eligible for travel expenses under this subsection.

(h) GOVERNMENT EMPLOYEES.—Members of the Transfer Advisory Committee and technical representatives who are full-time officers or employees of the United States or the State of California shall receive no additional pay, allowances, or benefits by reason of their services on the Committee.

(i) REGULAR MEETINGS REQUIRED.—The Transfer Advisory Committee shall meet at the call of the co-chairs and, in any event, not less than once every three months following enactment of this Act.

(j) DEADLINE FOR SUBMISSION OF REPORT.—The Transfer Advisory Committee shall submit the report as required by subsection (c) of this section not later than December 31, 1993. The report shall be submitted to the President of the United States, the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives, and the Committee on Appropriations of the House of Representatives.

(k) TERMINATION.—The Transfer Advisory Committee shall terminate 90 days after submission of such report.

SEC. 3411. SAN FRANCISCO BAY AND DELTA WETLAND RESTORATION PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary, in cooperation with the Secretary of the Army, and in consultation with the State of California, San Francisco Bay area port authorities, fishery and waterfowl conservation interests, and the Fish and Wildlife Advisory Committee shall investigate and, if feasible, develop and implement a program using dredged material to restore, protect, and expand San Francisco Bay and Delta wetlands for the purposes of recruitment and survival of waterfowl, fish, and other wetland dependent species, flood control, water quality improvement, and sedimentation control.

(b) SPECIFIC CONSIDERATIONS.—The program developed under this section shall consider a broad range of upland disposal and give emphasis to restoration, protection, and expansion of wetlands supporting abundant and diverse wetland ecosystems, including, but not limited to—

(1) high primary productivity and functioning food chains;

(2) seasonal values for waterfowl breeding, nesting, staging, and wintering;

(3) habitat values for migrating anadromous fish; and

(4) protection from predation and disease.

(c) QUALITY OF DREDGE MATERIALS.—The program developed under this section shall ensure that dredge materials used for wetland restoration, protection, or expansion shall be of appropriate quality for such purposes.

SEC. 3412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Funds appropriated under this section shall remain available until expended.

SEC. 3413. SIPHON REPAIR AND REPLACEMENT.

(a) Congress finds that the prestressed concrete pipe siphons installed in the Hayden-Rhodes Aqueduct portion of the Central Arizona Project Designed and constructed by the Secretary pursuant to the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.) have been determined to be defective, inadequate and unsuitable for aqueduct purposes and must be replaced or substantial repairs completed for the transfer of the operation of the Project to its local sponsor.

(b) Notwithstanding any other provision of law of contract, costs incurred in the repair, modification or replacement, together with associated costs, of the Hayden-Rhodes Aqueduct siphons at Salt River, New River, Hassayampa River, Jackrabbit Wash, Centennial Wash and Aqua Fria River, all features of the Central Arizona Project, shall be borne by the United States and shall be nonreimbursable and nonreturnable.

SEC. 3414. BUFFALO BILL DAM AND RESERVOIR, SHOSHONE PROJECT, PICK-SLOAN MISSOURI BASIN PROGRAM, WYOMING.

There are authorized to be appropriated such sums as may be required due to increased costs of construction attributable to delays in enactment of any additional authorization of appropriations for the construction of the Buffalo Bill Dam and Reservoir modifications and recreational facilities. Provided, That such additional sums shall be nonreimbursable and nonreturnable under the Federal reclamation laws.

SEC. 3415. DEMONSTRATION PROJECT.

The Secretary is authorized and directed to undertake a demonstration project in the City and County of San Francisco to examine the feasibility and effectiveness of using advanced ecologically engineered technology for water reclamation and reuse in accordance with the title 22 standards of the California Water Code. "Advanced ecologically engineered technology" refers to a greenhouse-based, ecologically engineered technology which employs highly populated pond and marsh ecosystems to produce water for reclamation and reuse. One half of the costs associated with implementation of this subsection shall be borne by the United States as a nonreimbursable cost; the other half shall be borne by the State of California and the City and County of San Francisco.

SEC. 3416. RECREATION

The first section of the Act of August 27, 1954 (16 U.S.C. 695d), is amended by inserting "and also for the use and enjoyment of the lands, waters, and related facilities thereof for recreation," after "fish and wildlife purposes.".

LEGISLATIVE PROGRAM

(Mr. LEWIS of California asked and was given permission to address the House.)

Mr. LEWIS of California. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader the information for the balance of this week's schedule and next week's schedule.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the gentleman for yielding. Mr. Speaker, votes are, obviously, finished today and there will not be votes on tomorrow.

On Monday, June 22, the House will meet at noon. We will have nine bills under suspension.

Mr. LEWIS of California. I wonder if I might interrupt and have the majority leader yield for just a moment. I am curious, just by way of information for this side, a number of my Members who live in the West were a little concerned about the celebrations for Father's Day on Sunday. I assume that may be part of why Friday was cleared. But they would like to know at the beginning of the week so that they might make arrangements.

Could we work on that, maybe, over time?

Mr. GEPHARDT. If the gentleman will yield further——

Mr. LEWIS of California. Mr. Speaker does come from the West. I would think he would understand.

Mr. GEPHARDT. I understand. I understand the problem. But I would say to the gentleman that we did publish a calendar earlier in the month, even last month, that laid out a schedule that included votes on this Monday. I know Members are troubled by the need to be here on a Monday after Father's Day, and I would have preferred not to do that. We have a schedule to meet, and, as the gentleman knows, there are few days left in this year in order to be able to finish our legislative schedule. And we are trying to complete appropriation bills, get them done on time.

Mr. LEWIS of California. I do appreciate the gentleman's expression of apology to my daughter. But the reality is that we had a light schedule last week, a relatively light schedule earlier this week. Some consideration ahead of time would be very helpful.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. THOMAS of California. I thank the gentleman for yielding.

Mr. Speaker, the calendar the gentleman referred to, I would ask the majority leader: On that calendar, what was scheduled for tomorrow?

Mr. GEPHARDT. If the gentleman would yield, my understanding was that the calendar said there would be votes.

Mr. THOMAS of California. And so the calendar is to be relied upon as the definitive determiner and, if we had referred to the calendar, we would have seen votes on Monday, but as a matter of fact we also saw votes tomorrow and there are now no votes tomorrow. So what is the secondary document that we refer to, to determine whether or not the calendar and the days that are determined in terms of votes are, in fact, going to be vote days?

Mr. LEWIS of California. If I might have back my time by way of yielding, first by way of saying that the reason I am doing this in this fashion is that if I am not a little more gentle in the process, they may not ask me to come again.

I yield to the gentleman.

Mr. THOMAS of California. With all seriousness, I am anxious to find out how to determine whether the printed calendar—when they say they have votes, they are going to have votes.

Mr. GEPHARDT. If the gentleman will yield, what we try to do is to give as much clear to Members on what likely could be votes as we say on the calendar that there will be votes. Obviously, as we go along, there has to be adjustment in the schedule as there are many, many vagaries and facts and circumstances that come into making up this schedule. This is a dynamic body, many different committees, many different requirements.

I would just say to the gentleman, I understand his concern and criticism. I would say as to next Monday, votes will not start until about 2:30, if there are votes. If we can avoid a vote on the rule, it is an open rule, it could be even later than that before there are votes. There may not be votes, if any, on this bill. I cannot assure Members, I cannot guarantee any Member that if they have a perfect voting record and cannot miss any votes, that there would be no votes on Monday. But indeed we will do everything in our power to see that the votes are late and the votes are few.

□ 1640

Mr. THOMAS of California. Mr. Speaker, I want the gentleman to understand that I stand ready to vote at anytime that we are here and voting. I will do my best, having my district and family 3,000 miles away.

I guess I am gently nudging the majority leader to indicate that referring to a calendar which is more often accurate in the breach of that calendar than in the honoring of it probably is not the best defense and that we, maybe, need to create a communicative structure that has a 1-week or 2-week lead time to it to reaffirm, with an understanding that, when we do make a commitment, if it is on paper, then we do honor it and that we fight to make sure that the open days are in fact open and that the voting days are open.

Mr. Speaker, I know that is very difficult to do, and I appreciate the difficulty surrounding it. It is just that it seems we have been able to accommodate some of our Members' athletic prowess, and some of us believe that something like Father's Day ought to stand at least equal to some of the events that have been seemingly scheduled even on what otherwise would have been work days, and I appreciate the gentleman's time.

Mr. LEWIS of California. Mr. Speaker, I continue to yield to the gentleman from Missouri [Mr. GEPHARDT], and I express my appreciation for his patience.

Mr. GEPHARDT. I thank the gentleman from California. The recorded votes of the suspensions will be postponed until after the debate on all suspensions, but I want to reiterate that we intend to take up the Coast Guard bill about 1:30, and there may be a vote on the rule after an hour of debate. There may not be a vote on that rule. It is an open rule, and, hopefully, not a controversial rule.

We will take up H.R. 1624, to establish a World War II memorial; H.R. 3711, the WIC Supplemental Benefits Act; H.R. 5412, to authorize the transfer of certain Naval vessels to Greece and Taiwan; House resolution to designate the Federal building located at 200 Federal Plaza in Paterson, NJ, as the "Robert A. Roe Federal Building"; a House resolution to designate a Federal building and U.S. courthouse located in Fayetteville, AR, as the "John Paul Hammerschmidt Federal Building and U.S. Courthouse"; S. 2703, to authorize the President to appoint Gen. Thomas Richards to the office of FAA Administrator; H.R. 4771, designating the Esel D. Bell Post Office Building; H.R. 4786, to designate the "Abe Murdock U.S. Post Office Building"; H.R. 4505, to designate the "Arthur J. Holland U.S. Post Office Building."

Then, as I mentioned, H.R. 5055, the Coast Guard Authorization Act of 1992, open rule, 1 hour of debate.

On Tuesday the House will meet at noon to consider House resolution on legislative branch appropriations for fiscal year 1993, subject to a rule, and on Wednesday, June 24, and the balance of the week, the House will meet at 10 a.m. to take up the resolution on foreign operations appropriations for fiscal year 1993, subject to a rule; House resolution on military construction appropriations for fiscal year 1993, subject to a rule; H.R. 4996, Jobs Through Exports Act of 1992; H.R. 5059, the Intelligence Authorization Act for fiscal year 1993, subject to a rule; and H.R. 3247, the National Undersea Research Program Act of 1992, open rule, 1 hour of debate. In addition, H.R. 4310, the National Marine Sanctuaries Reauthorization Improvement Act of 1992, open rule, 1 hour of debate; and H.R. 2637, WIPP land withdrawal, subject to a rule.

Conference reports can be brought up at any time.

Mr. LEWIS of California. Mr. Speaker, does the gentleman from Missouri [Mr. GEPHARDT] have specific information yet as to when we may take up the NIH veto, which we anticipate will come back on Tuesday?

Mr. GEPHARDT. Mr. Speaker, if the gentleman would yield, we do not have the definite information that the bill has been vetoed. We will try to make a determination as soon as we get that information, if it happens, and we will obviously give advanced notice and warning of going forward with that bill.

Mr. LEWIS of California. One more item, Mr. Speaker.

The conference report on the alcohol and drug abuse is hanging around somewhere. Can the gentleman give us an idea when we are going to do something about that?

Mr. GEPHARDT. Mr. Speaker, if the gentleman would yield, it is my understanding the committee has not re-

quested scheduling of that matter, and we are not certain at this point exactly when it will come forward.

Mr. LEWIS of California. All right. So, we are where we have been relative to that conference report. What about a Friday session next week?

Mr. GEPHARDT. If the gentleman would yield, we again noted on that calendar, and we do want to reserve that day, if, as this week, we can finish the business we have scheduled and not have votes on Friday. Then we will do that.

However, Mr. Speaker, we are in the tough appropriations season. We are trying to move three more appropriations bills next week, and, if we move quickly and there are not a lot of amendments and difficulties, we can finish up on time. If we cannot, we will be here.

Mr. LEWIS of California. So, if my Members should ask me about next Friday, I should say, "Well, if we get through Monday, maybe there's a 50–50 shot you might make plans," or could we let them know earlier than Thursday?

Mr. GEPHARDT. If the gentleman would yield, I think Wednesday we should have a pretty good feel of whether we are moving quickly enough to be able to finish on Thursday night or not.

Mr. LEWIS of California. Mr. Speaker, I appreciate the majority leader's assistance.

ADJOURNMENT TO MONDAY, JUNE 22, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, June 22, 1992.

The SPEAKER pro tempore (Mr. BROWDER). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AMERICA CAN NO LONGER IGNORE COMMUNISM IN BELGRADE

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

Mr. ROHRABACHER. Mr. Speaker, yesterday President Yeltsin inspired us tremendously. Communism is indeed dead in what was the Soviet Union, yet one Communist regime clings to power on the European Continent, and it is no coincidence that the Communists still hold power in Belgrade, and that terrorism and aggression still plague the people of the Balkans.

The continuing slaughter can no longer be ignored by the Western democracies and by the decent men and women in Europe and in the United States and in the rest of the world. The ethnic purification campaign being conducted, or at least being sponsored, by the Communist thugs in Belgrade is not only a crime against the people of Slovenia, Croatia, Bosnia-Herzegovina, and others, but it is also a crime against humanity.

Today I am introducing a resolution encouraging the President of the United States to confer with our NATO allies and the United Nations about the possibility of a joint military operation to end the aggression and gangsterism being committed by the last Communist regime on the European Continent in Belgrade. I ask my colleagues to join me, and ask America to stand tall.

H. CON. RES. —

Whereas violence continues to escalate in the former state of Yugoslavia;

Whereas there have been more than 15,000 deaths and over 1,000,000 refugees as a result of fighting in the former state of Yugoslavia;

Whereas the Serbian regime is the last communist regime in power on the European continent and has declared its disdain for the norms of international law;

Whereas the Serbian military, and irregular paramilitary forces controlled by the Belgrade regime, have engaged in murderous and inhuman acts in all the regions of the former Yugoslav state, especially in Croatia, Bosnia-Hercegovina, Slovenia, Kosova, Sanjak and Vojvodina;

Whereas human rights abuses continue to plague the territory of the former Yugoslav state;

Whereas the Serbian regime is conducting a self-proclaimed campaign of "ethnic purification";

Whereas the United States, the United Nations, European states, and others have made strong efforts to negotiate an equitable resolution to this aggression;

Whereas recent demonstrations in Belgrade against the current Serbian regime suggest that the regime's policies do not reflect the will of a sizable number of the Serbian people;

Whereas the Serbian regime has ignored all pleas for peaceful or democratic change in the Balkans region, thus making it an outlaw regime in the affairs of nations; and

Whereas President Bush recently stated that the conflict in this area is a threat to the economic and national security interests of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President should express to the United Nations Security Council and the North Atlantic Treaty Organization the willingness of the United States to participate in any sanctioned joint military effort to end the aggression, terrorism, and transgression of human rights perpetrated on its neighbors by the communist Serbian regime in the former state of Yugoslavia.

AUDIO HOME RECORDING ACT OF 1992 (H.R. 4567)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, recently, the House Subcommittee on Commerce, Consumer Protection and Competitiveness reported Audio Home Recording Act of 1992, which finally puts to an end the legal battles over digital audio recording by adopting a compromise worked out by the manufacturers, recording industry, songwriters, and artists. The bill sets the stage for the widespread introduction of this remarkable technology.

Digital audio technology has been around for several years. Compact discs and compact disc players are examples of this innovative technology; and the superior sound quality that digital technology produces has revolutionized the recording industry.

Even more exciting than the compact disc and the compact disc player, is the digital audio recorder. Unlike the familiar analog recorder, digital audio recorders are able to make virtually perfect copies of source music. With analog recorders, as one makes generational copies, the sound quality of the music eventually deteriorates. On the other hand, with digital audio recorders multigovernmental copies do not change the sound quality of the music, so that a 100th generation copy will sound as good as the original version.

These digital recorders were on exhibit at the Consumer Electronic Show held in Chicago last month.

American consumers have been deprived of overall access to this innovative recording technology due to litigation and disputes between the electronics industry, recording industry, songwriters and music publishers in the United States. The dispute stems from the music industry's fear that once consumers get access to this technology, home copying will increase and this will lead to reduced sales and royalties.

The parties have now reached an agreement, one that addresses issues of concern to the interested parties. This agreement is embodied in the Audio Home Recording Act of 1992 (H.R. 4567), which I introduced.

There are three basic provisions of the legislation. First, it prohibits the bringing of any copyright infringement suit based on the use of a recorder to make copies for noncommercial use.

Second, it requires all manufacturers and importers to pay a small royalty fee for digital audio recorders and media made available to American consumers. This money is eventually dis-

tributed to copyright holders via the U.S. Copyright Office.

The payment is very small and only applies to digital recorders and media, not the current analog tapes and players. For example, where a recorder has a retail price of $250, the royalty fee would be about $2.50. Where a blank tape has a retail price of $6.00, the royalty fee would only be about nine cents.

Third, it requires all digital audio recorders to incorporate the serial copy management system, which permits unlimited copying of original material, but prohibits copies of copies.

Mr. Speaker, the Audio Home Recording Act of 1992 is crucial to ensuring that the American music and electronics industries remain competitive and that American consumers obtain access to technology on the cutting edge.

Mr. John V. Roach, the chairman of the board and chief executive officer of Tandy Corp., the largest American consumer electronics company and retailer employing 27,000 people nationwide, testified that unlike the current generation of recorders that are mechanically complex, the American manufacturers have been concentrating on digital oriented products. In this area, Mr. Roach says, American companies are fully competitive, and can once again establish manufacturing jobs here in the United States.

Both American electronics companies and the music industry have been harmed by the current stalemate.

Ms. Dionne Warwick testified: "The bill allows today's songwriters and others in the music community to continue turning out great music without fear of endless loss of revenues due to copying. At the same time, it offers the consumer the choice of whatever format he or she chooses on the same level of quality that we hear in the studio, while offering definitive protection from copyright infringement charges." She reiterated Ms. Gladys Knight's words to the Congressional Arts Caucus last week that as an artist, she is show business and the business part of show business needs this legislation.

Mr. Ed Murphy, president and CEO of the National Music Publishers' Association, Inc. testified: "As domestic industry after domestic industry have fallen victim to increasingly rigorous international competition, American musical products remain a flagship of American exports and one of the few consistent areas of trade surplus."

However, American songwriters, music publishers, recording artists are not able to benefit from foreign royalty payments on home taping because the United States does not have a similar royalty provision. The lack of reciprocity denies the American music industry millions of dollars worth of foreign home taping royalties. This legislation will be a first step toward reclaiming those royalties and improving our balance of trade.

Most importantly, American consumers, who to date are being denied access to this important technology, will be the big winners.

The Audio Home Recording Act of 1992 is a model compromise that combines benefits for consumers and industry. It can lead the way in improving competitiveness while providing consumers with access to exciting technology.

□ 1650

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HYDE (at the request of Mr. MICHEL), for today from 2:30 p.m., on account of family medical reasons.

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 Mrs. COLLINS of Illinois) to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. MILLER of Washington.

Mrs. VUCANOVICH.

Mrs. MORELLA.

Mr. PETRI in two instances.

Mr. BROOMFIELD.

Mr. FIELDS.

Mr. RINALDO.

(The following members (at the request of Mrs. COLLINS of Illinois) and to include extraneous matter:)

Mr. LEVINE of California.

Mr. RICHARDSON.

Mr. BROWN.

Mr. BLACKWELL.

Mr. NEAL of Massachusetts.

Mr. GEJDENSON.

Mr. LEHMAN of California.

Mr. KILDEE.

Mr. ANTHONY.

Mr. LIPINSKI.

Mr. TRAFICANT.

Mr. MAZZOLI.

Mr. HALL of Ohio.

Mr. DYMALLY in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1985. An act to establish a commission to review the Bankruptcy Code, to amend the Bankruptcy Code in certain aspects of its application to cases involving commerce and credit and individual debtors and add a temporary chapter to govern reorganization of small businesses, and for other purposes; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 470. Joint Resolution to designate the month of September 1992, as "National Spina Bifida Awareness Month."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 250. An act to establish national voter registration procedures for Federal elections, and for other purposes.

ADJOURNMENT

Mrs. COLLINS of Illinois. 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 Monday, June 22, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3770. A letter from the Secretary, Department of Agriculture, transmitting the animal welfare enforcement report covering fiscal year 1991, pursuant to 7 U.S.C. 2155; to the Committee on Agriculture.

3771. A letter from the Secretary, Department of Agriculture, transmitting the 1991 Youth Conservation Corps [YCC] Program, pursuant to 16 U.S.C. 1705; to the Committee on Education and Labor.

3772. A letter from the Assistant Secretary—Indian Affairs, U.S. Department of the Interior, transmitting a copy of a semiannual report on tribal self-governance demonstration project, pursuant to Public Law 100-472; to the Committee on Interior and Insular Affairs.

3773. A letter from the Assistant Secretary—Indian Affairs, U.S. Department of the Interior, transmitting a copy of a supplement to the semiannual report on self-governance demonstration project; to the Committee on Interior and Insular Affairs.

3774. A letter from the Secretary, Department of Energy, transmitting a 5-year management plan for environmental restoration and waste management activities of DOE,

pursuant to Public Law 101-510, section 3135(b) (104 Stat. 1833); jointly, to the Committees on Armed Services and Energy and Commerce.

3775. A letter from the Director, Office of Management and Budget, transmitting his certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc., are less than the amount necessary to maintain the budgeted level of operation because of exchange rate losses in the second quarter of fiscal year 1992, pursuant to 22 U.S.C. 2877(a)(2); jointly, to the Committees on Foreign Affairs and Appropriations.

3776. A letter from the Secretary, Department of the Interior, transmitting a copy of the annual report for fiscal year 1991 covering the Outer Continental Shelf [OCS] Natural Gas and Oil Leasing and Production Program, pursuant to 43 U.S.C. 1343; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

3777. A letter from the Secretary of the Interior, transmitting the April 1992 Proposed Final Comprehensive Outer Continental Shelf [OCS] Natural Gas and Oil Resource Management Program for 1992-97, pursuant to 43 U.S.C. 1344(a); jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

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. FAZIO: Committee on Appropriations. H.R. 5427. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for other purposes. (Rept. 102-579). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEFNER: Committee on Appropriations. H.R. 5428. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes. (Rept. 102-580). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 5343. A bill to make technical amendments to the American Technology Preeminence Act of 1991 and the Fair Packaging and Labeling Act with respect to their treatment of the SI metric system; with amendments (Rept. 102-581, Pt. 1). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 493. Resolution providing for the consideration of the bill H.R. 4484 to authorize appropriations for fiscal year 1993 for the Maritime Administration (Rept. 102-582). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 494. Resolution providing for the consideration of the bill H.R. 2637 to withdraw lands for the waste isolation pilot plant, and for other purposes (Rept. 102-583). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 495. Resolution providing for the consideration of the bill H.R. 5095 to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 102-584). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. H.R. 5368. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes; with an amendment (Rept. 102-585). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FAZIO:

H.R. 5427. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for other purposes.

By Mr. HEFNER:

H.R. 5428. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes.

By Mr. JACOBS:

H.R. 5429. A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such act; to the Committee on Ways and Means.

By Mr. ANTHONY:

H.R. 5430. A bill to suspend until January 1, 1994, the duty on Benzisothiazoline; to the Committee on Ways and Means.

By Mr. MINETA (for himself, Mr. ANDERSON, Mr. OBERSTAR, Mr. NOWAK, Mr. RAHALL, Mr. APPLEGATE, Mr. DE LUGO, Mr. SAVAGE, Mr. BORSKI, Mr. KOLTER, Mr. VALENTINE, Mr. LIPINSKI, Mr. TRAFICANT, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. HAYES of Louisiana, Mr. CLEMENT, Mr. PAYNE of Virginia, Mr. COSTELLO, Mr. PALLONE, Mr. JONES of Georgia, Mr. PARKER, Mr. LAUGHLIN, Mr. GEREN of Texas, Mr. SANGMEISTER, Mr. POSHARD, Mr. SWETT, Mr. BREWSTER, Mr. CRAMER, Ms. DELAURO, Ms. HORN, Mrs. COLLINS of Michigan, Mr. PETERSON of Florida, Ms. NORTON, Mr. BLACKWELL, Mr. HAMMERSCHMIDT, Mr. SHUSTER, Mr. CLINGER, Mr. PETRI, Mr. PACKARD, Mr. BOEHLERT, Mrs. BENTLEY, Mr. INHOFE, Mr. BALLENGER, Mr. EMERSON, Mr. DUNCAN, Mr. HANCOCK, Mr. COX of California, Ms. MOLINARI, Mr. HOBSON, Mr. RIGGS, Mr. TAYLOR of North Carolina, Mr. NICHOLS, Mr. ZELIFF, Mr. EWING, Mr. GILLMOR, Mr. RINALDO, Mr. HUGHES, Mr. GUARINI, Mr. SMITH of New Jersey, Mr. DWYER of New Jersey, Mrs. ROUKEMA, Mr. TORRICELLI, Mr. SAXTON, Mr. GALLO, Mr. PAYNE of New Jersey, Mr. ZIMMER, and Mr. ANDREWS of New Jersey):

H.R. 5431. A bill to designate the Federal building located at 200 Federal Plaza in Paterson, NJ, as the "Robert A. Roe Federal Building"; to the Committee on Public Works and Transportation.

By Mr. SHUSTER (for himself, Mr. ROE, Mr. CLINGER, Mr. ANDERSON, Mr. PETRI, Mr. MINETA, Mr. PACKARD, Mr. OBERSTAR, Mr. BOEHLERT, Mr. NOWAK, Mrs. BENTLEY, Mr. RAHALL, Mr. INHOFE, Mr. APPLEGATE, Mr. BALLENGER, Mr. DE LUGO, Mr. EMERSON, Mr. SAVAGE, Mr. DUNCAN, Mr. BORSKI, Mr. HANCOCK, Mr. KOLTER, Mr. COX of California, Mr. VALENTINE, Ms. MOLINARI, Mr. LIPINSKI, Mr. HOBSON, Mr. TRAFICANT, Mr. RIGGS, Mr. LEWIS of Georgia, Mr. TAYLOR of North Carolina, Mr. DEFAZIO, Mr. NICHOLS, Mr. HAYES of Louisiana, Mr. ZELIFF, Mr. CLEMENT, Mr. EWING, Mr. PAYNE of Virginia, Mr. GILLMOR, Mr. COSTELLO, Mr. PALLONE, Mr. JONES of Georgia, Mr. PARKER, Mr. LAUGHLIN, Mr. GEREN of Texas, Mr. SANGMEISTER, Mr. POSHARD, Mr. SWETT, Mr. BREWSTER, Mr. CRAMER, Ms. DELAURO, Ms. HORN, Mrs. COLLINS of Michigan, Mr. PETERSON of Florida, Ms. NORTON, and Mr. BLACKWELL):

H.R. 5432. A bill to designate the Federal building and U.S. courthouse located at the corner of College Avenue and Mountain Street in Fayetteville, AR, as the "John Paul Hammerschmidt Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. BEREUTER (for himself and Mr. WYLIE):

H.R. 5433. A bill to increase the amount of credit available to fuel economic growth by reducing the regulatory burden imposed upon community banks and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BERMAN (for himself, Mr. RINALDO, Mr. GILMAN, Mr. HUNTER, Mr. LEVINE of California, Mr. MCCLOSKEY, and Mr. KASICH):

H.R. 5434. A bill to provide for the imposition of sanctions against persons or foreign countries that transfer to Iran or Iraq goods or technology contributing to that country's efforts to acquire certain weapons; jointly, to the Committees on Foreign Affairs, Ways and Means, Banking, Finance and Urban Affairs, and Agriculture.

By Mr. COLORADO (for himself, Mr. RANGEL, Mr. SCHEUER, Mr. TOWNS, Mr. SERRANO, and Mr. RICHARDSON):

H.R. 5435. A bill to amend the Social Security Act to increase the limit on Federal matching funds available for the Medicaid Program in Puerto Rico and to make improvements in the furnishing of and payment for equipment and related supplies furnished to Medicare beneficiaries; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WILLIAMS:

H.R. 5436. A bill to assist small communities in the construction of facilities for the protection of the environment and human health; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. DICKINSON (for himself, Mr. ARMEY, Mr. BARNARD, Mr. BARRETT, Mr. BATEMAN, Mr. BENNETT, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BROOMFIELD, Mr. CALLAHAN, Mr. COBLE, Mr. DE LUGO, Mr. DONNELLY, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. DOWNEY, Mr. DYMALLY, Mr. FAWELL, Mr. GALLEGLY, Mr. GILCHREST, Mr. GILLMOR, Mr. GINGRICH, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARRIS, Mr. HAYES of Louisiana, Mr. HEFLEY, Mr. HERGER, Mr. HORTON, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JEFFERSON, Mr. KASICH, Mr. LAGOMARSINO, Mr.

LEVIN of Michigan, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MCCANDLESS, Mr. MCCRERY, Mr. MCGRATH, Mr. MARTIN, Mrs. MEYERS of Kansas, Mrs. MINK, Mr. MOORHEAD, Mr. MORAN, Mr. MURPHY, Mr. NATCHER, Ms. NORTON, Mr. OLIN, Mr. ORTIZ, Mr. OWENS of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PARKER, Mr. PAXON, Mr. PICKETT, Mr. PICKLE, Mr. PURSELL, Mr. RAVENEL, Mr. RITTER, Mr. ROBERTS, Mr. ROTH, Mr. SARPALIUS, Mr. SAVAGE, Mr. SAXTON, Mr. SCHIFF, Mr. SPENCE, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TRAXLER, Mr. UPTON, Mr. VISCLOSKY, Mr. WOLF, Mr. YATRON, and Mr. YOUNG of Florida):

H.R. 5437. A bill to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict; to the Committee on House Administration.

By Mr. FRANK of Massachusetts:

H.R. 5438. A bill to exclude from income amounts received under part E of title IV of the Social Security Act for the purposes of determining the amount of benefits to be provided under the Food Stamp Act of 1977 and the United States Housing Act of 1937; jointly, to the Committees on Agriculture and Banking, Finance and Urban Affairs.

By Mr. HATCHER:

H.R. 5439. A bill entitled "Food Stamp Quality Control System Amendments of 1992"; to the Committee on Agriculture.

By Mr. JENKINS (for himself, Mr. ARCHER, Mr. ANTHONY, Mrs. KENNELLY, Mr. LEVIN of Michigan, Mr. CARDIN, and Mr. MCGRATH):

H.R. 5440. A bill to amend the Internal Revenue Code of 1986 to repeal the special depreciation rules applicable under the adjusted current earnings provisions of the minimum tax; to the Committee on Ways and Means.

By Mr. LAUGHLIN (for himself, Mr. ANDREWS of Texas, Mr. BILIRAKIS, Mr. BROOKS, Mr. BROWDER, Mr. BRYANT, Mr. CALLAHAN, Mr. CHAPMAN, Mr. COLEMAN of Texas, Mr. CRAMER, Mr. DE LA GARZA, Mr. FASCELL, Mr. FIELDS, Mr. FROST, Mr. GEREN of Texas, Mr. HARRIS, Mr. HAYES of Louisiana, Mr. HUTTO, Mr. JEFFERSON, Mr. LIVINGSTON, Mr. ORTIZ, Mr. PARKER, Mr. PETERSON of Florida, Mr. PICKLE, Mr. PALLONE, Mr. SARPALIUS, Mr. TAYLOR of Mississippi, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. VALENTINE, and Mr. WILSON):

H.R. 5441. A bill to establish a Gulf of Mexico environmental and economic restoration and protection program; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Science, Space, and Technology.

By Mr. MILLER of Washington (for himself, Mr. PANETTA, Mr. EMERSON, Mr. KOPETSKI, Mr. PENNY, Mr. SANGMEISTER, and Mr. TOWNS):

H.R. 5442. A bill to establish Federal grant programs to identify and address the foreign language needs within the United States for the purpose of enhancing economic competitiveness, ensuring national security, and promoting the national interest; jointly, to the Committees on Education and Labor and Foreign Affairs.

By Mr. PETRI:

H.R. 5443. A bill to amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies; to the Committee on Education and Labor.

By Mr. SCHULZE:

H.R. 5444. A bill to provide for the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of former nonmarket economy countries that have implemented, or are in transition to, market economies; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 5445. A bill to amend the Safe Drinking Water Act to ensure that the Nation's small towns and rural counties are able to comply with safe drinking water regulations in a flexible manner which protects public health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YATES:

H.J. Res. 509. Joint resolution to extend through September 30, 1992, the period in which there remains available for obligation certain amounts appropriated for the Bureau of Indian Affairs for the school operations costs of Bureau-funded schools; to the Committee on Appropriations; discharged; considered and passed.

By Mr. MORAN (for himself, Mrs. MORELLA, and Mr. WOLF):

H.J. Res. 510. Joint resolution disapproving the action of the District of Columbia Council in approving the Omnibus Budget Support Temporary Act of 1992; to the Committee on the District of Columbia.

By Mr. TRAFICANT:

H.J. Res. 511. Joint resolution proposing an amendment to the Constitution of the United States to provide for the direct popular election of the President and the Vice-President; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. RANGEL, Mr. COUGHLIN, and Mr. RICHARDSON):

H. Con. Res. 334. Concurrent resolution expressing the sense of the Congress that the President should take prompt diplomatic action to ensure that joint efforts by the United States and Mexico to combat illegal drug trafficking continue at the high level of cooperation that exists currently; to the Committee on Foreign Affairs.

By Mr. ROHRABACHER:

H. Con. Res. 335. Concurrent resolution concerning the conflict in the former state of Yugoslavia; to the Committee on Foreign Affairs.

By Mr. BROWN:

H. Res. 496. Resolution to amend the Rules of the House of Representatives to further reform the administrative operations of the House; jointly, to the Committees on Rules and House Administration.

By Mr. DYMALLY:

H. Res. 497. Resolution relating to ongoing violence connected with apartheid in South Africa; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DELLUMS introduced a bill (H.R. 5446) to waive certain repayment requirements under the Public Works and Economic Development Act of 1965 with respect to the Acorn Shopping Center, Oakland, CA; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 200: Mr. MCMILLEN of Maryland.

H.R. 840: Mrs. BOXER.

H.R. 911: Mr. SKEEN.

H.R. 1385: Mr. BOEHLERT, Mr. MFUME, Mr. GORDON, and Mr. SUNDQUIST.

H.R. 1456: Mrs. LLOYD.

H.R. 2464: Mr. BLILEY and Mr. MILLER of Washington.

H.R. 3109: Mr. TAUZIN, Mr. SHAW, Mr. VANDER JAGT, and Mr. GUARINI.

H.R. 3236: Mr. BILBRAY.

H.R. 3360: Mr. ROHRABACHER, Mr. BACCHUS, Mr. LEACH, Mr. BATEMAN, Mr. NEAL of North Carolina, Mr. CONDIT, Mr. CAMP, Mr. GLICKMAN, Mr. PRICE, Mr. HOLLOWAY, Mr. WOLPE, Mr. COBLE, Mr. LANCASTER, Mr. CHANDLER, Mr. JONTZ, Mr. GEJDENSON, and Mr. HUTTO.

H.R. 3484: Mr. KOSTMAYER.

H.R. 3986: Mr. BUSTAMANTE.

H.R. 4170: Mr. ANNUNZIO.

H.R. 4175: Mr. ENGEL and Mr. MATSUI.

H.R. 4228: Mr. BRUCE.

H.R. 4275: Mr. ANDERSON.

H.R. 4430: Mr. ALLEN

H.R. 4490: Mr. MURTHA.

H.R. 4507: Mr. TORRICELLI, Mr. HANSEN, Mrs. LOWEY of New York, and Mr. RITTER.

H.R. 4539: Mr. CAMPBELL of California and Mr. WALSH.

H.R. 4761: Mr. SMITH of New Jersey.

H.R. 4974: Mr. JONES of Georgia, Mr. EVANS, Mr. FALEOMAVAEGA, Mrs. MINK, Mr. GILMAN, Mr. JEFFERSON, Mr. SPENCE, Mr. MCNULTY, Mr. ANDERSON, Mr. TOWNS, Mr. HORTON, Mr. BEREUTER, Mr. FROST, and Mr. BUSTAMANTE.

H.R. 5070: Mr. WELDON, Mrs. BOXER, and Mr. LAUGHLIN.

H.R. 5100: Mr. PETERSON of Minnesota, Mr. FORD of Michigan, Mr. DORGAN of North Dakota, and Mr. REGULA.

H.R. 5156: Mrs. MORELLA.

H.R. 5208: Mr. CAMPBELL of California and Mr. ENGEL.

H.R. 5257: Mr. STUDDS, Mr. MONTGOMERY, and Mr. ANNUNZIO.

H.R. 5282: Mr. COX of California.

H.R. 5294: Mr. FASCELL.

H.R. 5320: Mr. FASCELL and Mr. FALEOMAVAEGA.

H.R. 5321: Mr. FRANK of Massachusetts, Mr. HYDE, Mr. MCCOLLUM, Mr. BOUCHER, Mr. FISH, and Mr. COBLE.

H.R. 5322: Mr. NAGLE and Mr. BOUCHER.

H.R. 5360: Ms. PELOSI, Mr. MFUME, Ms. KAPTUR, Mr. WOLPE, Mr. ENGEL, and Mr. MORRISON.

H.R. 5396: Mr. EVANS.

H.J. Res. 271: Mr. DICKS, Mr. KOSTMAYER, Mr. MAZZOLI, Mr. ORTIZ, Mr. SCHEUER, Mr. WHEAT, Mr. SAVAGE, Mr. LEACH, Mr. SMITH of New Jersey, Mr. CARPER, Mr. AUCOIN, Mr. SWIFT, Mr. CLINGER, Mr. HUGHES, and Mr. BILIRAKIS.

H.J. Res. 380: Mr. LIPINSKI, Mr. KOPETSKI, Mr. MORRISON, Mr. RAHALL, Mr. PERKINS, Mr. CONYERS, Mr. RAMSTAD, Mr. CLEMENT, Mr. NATCHER, and Mr. RHODES.

H.J. Res. 399: Mr. LAGOMARSINO, Mr. EVANS, Mr. LEWIS of Florida, and Mr. BROWDER.

H.J. Res. 411: Mr. BAKER, Mr. SARPALIUS, and Mr. BUSTAMANTE.

H.J. Res. 433: Mr. AUCOIN, Mr. BOEHLERT, Mr. HOYER, Mrs. LOWEY of New York, and Mr. REED.

H.J. Res. 450: Mr. FISH, Mr. MARTIN, Ms. OAKAR, Mr. HORTON, Mr. RICHARDSON, and Mr. APPLEGATE.

H.J. Res. 455: Mr. ROYBAL, Mrs. ROUKEMA, Mr. SISISKY, Mr. SAVAGE, Mr. SAWYER, Mr. LENT, Mr. TALLON, Mr. TAUZIN, Mr. TOWNS, Mrs. UNSOELD, Mr. YATRON, Mr. BROOMFIELD, Mr. MCDADE, Mr. HALL of Ohio, and Mr. CONYERS.

H.J. Res. 459: Mr. SHAW, Mr. BERMAN, Mr. BROWN, Mr. GALLEGLY, Mrs. KENNELLY, Mr. REED, Mr. STARK, Mr. WHEAT, Mr. BACCHUS, Mr. CARPER, Mr. COSTELLO, Ms. DELAURO, Mr. ERDREICH, Mr. JACOBS, Mr. PASTOR, Mr. SIKORSKI, and Mr. WASHINGTON.

H.J. Res. 478: Mr. SUNDQUIST and Mr. MARTINEZ.

H. Con. Res. 256: Mr. FISH.

H. Con. Res. 316: Mr. PAXON, Mr. DARDEN, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. RAVENEL, Mr. ZIMMER, Mr. VALENTINE, Mr. HOBSON, Mr. SARPALIUS, and Mr. HAYES of Louisiana.

H. Con. Res. 329: Ms. NORTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 759: Mr. MAVROULES.

H.R. 3221: Mr. DICKS.