

Again, I applaud the efforts of the chairman and urge strongly support for this bipartisan legislation.

THE EPA LONG ISLAND SOUND OFFICE

Mr. LIEBERMAN. Mr. President, I rise today to note the critical importance of this legislation, the Water Resources Development Act, to the future of Connecticut's most valuable natural resource, Long Island Sound.

Included in the bill is a provision reauthorizing the EPA's Long Island Sound Office [LISO], which was established by legislation I was proud to sponsor 6 years ago, and which is now responsible for coordinating the massive clean-up effort ongoing in the Sound. Quite simply, the LISO is the glue holding this project together, and I want to express my deep appreciation to the chairman and ranking member of the Environment and Public Works Committee—Senators CHAFEE and BAUCUS—for their help in making sure this office stays open for business.

Mr. President, the Long Island Sound Office has been given a daunting task—orchestrating a multibillion dollar, decade-long initiative that requires the cooperation of nearly 150 different Federal, State and municipal agents and offices. Despite the odds, and the limited resources it has had to work with, the LISO is succeeding. Over the last few years, the EPA office has developed strong working relationships with the State environmental protection agencies in Connecticut and New York, local government officials along the Sound coastline and a number of proactive citizen groups. Together, these many partners have made tremendous progress toward meeting the six key goals we identified in the Sound's long-term conservation and management plan.

The plan's top priority is fighting hypoxia, which is caused by the release of nutrients into the Sound's 1,300 square miles of water. Thanks in part to the LISO's efforts, nitrogen loads have dropped 5,000 pounds per day from the baseline levels of 1990, exceeding all expectations. In addition, all sewage treatment plants in Connecticut and in New York's Westchester, Suffolk, and Nassau counties are now in compliance with the no net increase agreement brokered by the LISO, while the four New York City plants that discharge into the East River are expected to be in compliance by the end of this year. And the LISO is coordinating 15 different projects to retrofit treatment plants with new equipment that will help them reduce the amount of nitrogen reaching the Sound.

The LISO and its many partners have made great strides in other areas, such as cracking down on the pathogens, toxic substances, and litter that have been finding their way into the Sound watershed and onto area beaches. A major source of toxic substances are industrial plants, and over the last few years the LISO has helped arrange more than 30 pollution prevention assessments at manufacturing facilities

in Connecticut that enable companies to reduce emissions and cut their costs. Also, New York City has recently reduced the amount of floatable debris it produces by 70 percent, thanks to the use of booms on many tributaries and efforts to improve the capture of combined sewer overflows.

With Congress' help, the LISO will soon be able to build on that progress and significantly broaden its efforts to bring the Sound back to life. This week the House and Senate approved an appropriation of the \$700,000 for the Long Island Sound Office, doubling our commitment from the current fiscal year. These additional funds will be used in part to launch an ambitious habitat restoration project. The States of New York and Connecticut have been working with the LISO and the U.S. Fish and Wildlife Service to develop a long-term strategy in this area, and they have already identified 150 key sites. The next step is to provide grants to local partnerships with local towns and private groups such as the National Fish and Wildlife Foundation and The Nature Conservancy, which would focus on restoring tidal and freshwater wetlands, submerged aquatic vegetation, and areas supporting anadromous fish populations.

The funding will also be used for site-specific surveys to identify and correct local sources of non-point source pollution. This effort will focus on malfunctioning septic systems, stormwater management, and illegal stormwater connections, improper vessel waste disposal, and riparian protection. All of these sources contribute in some way to the release of pathogens and toxic compounds into the Sound, a problem that is restricting the use of area beaches and shellfish beds and hurting our regional economy.

Finally, the LISO will continue to build on the successful public education and outreach campaign it initiated last year. In New York, the LISO has already been in contact with public leaders in 50 local communities, held follow-up meetings with officials in 15 key areas, and scheduled on-the-water workshops for this fall. The LISO is planning to conduct a similar effort to reach out to Connecticut communities in 1997.

All of this could have been put in jeopardy, however, if we had not acted to extend the LISO's authorization, which is set to expire next week. The clean-up project is a team effort, with many important contributors, but it would be extremely difficult for those many partners to work in concert and keep moving forward without the leadership and coordination that the LISO has supplied. So I want to thank my colleagues, especially my friends from Rhode Island and from Montana, for passing this provision before the LISO's authorization lapsed.

The people of Connecticut care deeply about the fate of the Sound, not only because of its environmental importance but also because of its impor-

tance as one of our region's most valuable economic assets. With the steps we've taken this week, we have reassured them that we remained committed to preserving this great natural resource, and that we are not about to sell Long Island Sound short.

#### EVERGLADES RESTORATION PROVISION

Mr. MACK. Mr. President, I rise today in strong support of the conference report on the Water Resources Development Act and, in particular, the provision in the bill relating to the restoration of Florida's Everglades. I want to especially thank the distinguished chairman of the committee, Mr. CHAFEE. The Senator from Rhode Island clearly understands the unique nature of the Everglades problem and, on behalf of all Floridians, I extend my appreciation for his efforts on behalf of this legislation.

It is no secret, Mr. President, that the Everglades are a resource unique and precious to all Americans. This "river of grass"—extending from the Kissimmee chain of lakes through to Florida Bay and the Florida Keys—is the primary source of south Florida's drinking water, critical to our cultural heritage and essential to our continued economic well-being. As the Everglades go, Mr. President, so goes south Florida. How best to craft a balance between the urban, agricultural, and environmental interests presents one of the greatest challenges facing this generation of Floridians.

This Congress has already demonstrated its unwavering commitment to this resource by appropriating \$200 million in direct funding for Everglades restoration during consideration of the farm bill earlier this year. This move represents the single-largest funding commitment to the Everglades in history and is indicative of the interest this Congress has in ensuring that this important resource is passed on to future generations.

It has not always been so. In an effort to provide flood control for the rapidly-growing region, Congress in 1948 authorized the massive central and southern Florida project. The goal of this effort was to drain the swamp through a series of canals extending from Lake Okeechobee to the sea. The result was thousands of acres opened to agriculture and development and an unprecedented economic expansion in the region.

This was not, however, without a significant cost. The reallocation of water resulting from the project disrupted the natural hydroperiod of the Everglades. Wildlife populations plummeted and fresh water flows were diminished. Critical resources like Florida Bay—a once-vibrant body of water that sustained both a healthy environment and a strong coastal economy—began to wither on the vine. As Florida's coastal communities felt the effect of this harm, an effort began to rethink the

project and how it relates to the new realities in south Florida.

In 1992, Mr. President, Congress directed the Army Corps of Engineers to perform a Comprehensive Review Study—restudy—of the C&SF project with an eye toward capturing the millions of acre-feet of fresh water currently being lost to tide every year and reallocating this resource within the south Florida ecosystem. This restudy presents the opportunity to integrate scientifically sound environmental restoration into the mix of priorities in south Florida in a balanced, equitable, and responsible manner.

Due to the complexity of this task and the difficulty coming to consensus on solutions, it began to appear that this restudy would last at least several years into the next century. This, Mr. President, was simply unacceptable. The citizens and water users in south Florida have a legitimate interest in knowing the specifics of the restoration effort sooner rather than later. The Congress has a legitimate interest in knowing how much all of this is going to cost the Federal Government. And the State of Florida—which has committed to become a 50/50 partner with the Federal Government in this effort—has a legitimate interest in knowing the size and duration of its commitment to Everglades restoration.

In fact, the State of Florida recognized the need for balance and consensus several years ago. The Governor's Commission for a Sustainable South Florida—an ad-hoc coalition of 46 interest groups and governmental entities across the spectrum in south Florida—was created to seek out restoration goals and projects which everyone agreed would accelerate the restoration without harming the various water users. The commission recently unanimously approved a remarkable document which details 40 specific projects. This blueprint will increase the pace of restoration while taking into account the water-related needs of all parties in the region. The corps has indicated that if it were able to work from this consensus document, it could come to closure on the restudy within 3 years.

Thus began, Mr. President, our efforts this year. After much negotiation and effort, my colleague from Florida, Senator GRAHAM and I were able to arrive at the package we are considering today.

Specifically, Mr. President, the legislation before us requires the corps to submit a comprehensive plan for restoration of the Everglades by July 1, 1999. This plan will include a list of specific projects for authorization by Congress and will include the necessary engineering and design. Clearly, this will require a monumental effort by the corps as it works to complete its work by this deadline. We have been repeatedly assured by the corps that it can be done without shortcutting necessary engineering and planning.

The legislation further contains \$75 million in authority for the Corps of Engineers to construct projects deemed critical to the restoration effort. The report language accompanying this bill indicates five projects which ought to be top priority for the corps as it exercises this authority. These projects are universally accepted in south Florida as projects which can be carried out within the next 3 years and which will significantly accelerate the restoration effort.

Lastly, Mr. President, this bill establishes in law the South Florida Ecosystem Restoration Task Force. This is an intergovernmental body which includes representatives from the Federal Government, State and local entities and the two Indian tribes present in the Everglades. The task force is based largely on the successful arrangement currently operating in south Florida and will provide a forum for exchanging information, taking public comment and input, and coordinating the overall restoration effort.

Mr. President, we believe this package represents a significant step forward in the continuing effort to restore the Everglades and provide a sustainable economy for all the residents of south Florida. I again express my sincere appreciation to Senator CHAFEE and Senator BAUCUS—and the Environment Committee staff—for their outstanding support and leadership on this effort. I urge my colleagues to support the conference report.

Thank you, Mr. President.

Mr. CONRAD. Mr. President, I rise today in support of S. 640, the Water Resources Development Act of 1996 [WRDA]. Congress last passed a WRDA bill in 1992, and I am pleased that we are able to pass this legislation that authorizes spending for many important water projects.

A provision in this bill authorizes the Secretary of the Army to acquire, from willing sellers, permanent flowage and saturation easements for lands within or contiguous to the boundaries of the Buford Trenton Irrigation District, ND. These flowage easements are to compensate landowners for land that has been affected by rising ground water and the risk of surface flooding due to the operation of the Garrison Dam on the Missouri River. The corps began operation of this Dam in 1955.

In acquiring these easements, this provision specifies the Secretary shall pay an amount based on the unaffected fee value of the lands, meaning the value of the lands as if unaffected by rising ground water and the risk of surface flooding. The intent of Congress is for the Secretary to acquire these easements based on the current fair market value of the land, and not the value of land before Garrison Dam was operational. I would like to submit a copy of a letter I sent to the corps requesting a clarification of their intent in implementing this provision, and a copy of the corps' response stating the Secretary shall appraise these ease-

ments at their current fair market value, as if the lands are not affected by rising ground water and the risk of surface flooding.

I applaud this provision that justly compensates these landowners for damage to their land from rising ground water and the risk of surface flooding due to the operation of the Garrison Dam.

Mr. President, I would also like to express my position to a provision in this bill that raises the non-Federal cost-share requirement for Corps of Engineers flood control projects from 25 percent to 35 percent. It is my understanding that this provision does not apply to flood control projects that have previously been authorized, or are authorized in this bill.

I am concerned that this provision will have a detrimental impact on smaller communities in North Dakota that are in need of flood control projects. I understand the motivation to save the Federal Government money by requiring local partners to contribute more to these flood control projects. However, this provision will place a significant financial burden on communities in North Dakota that are in dire need of flood control projects but do not possess the resources or the tax-base to raise this additional cost share.

Also, some communities in my State, such as Grand Forks, are currently cost-sharing feasibility studies for flood control projects with the corps. These communities have committed significant funds based on the fact any flood control project that resulted from the study would be cost-shared at a 75-to-25 Federal/non-Federal ratio. This provision places a financial burden on communities like Grand Forks that are currently financing feasibility studies and budgeting for a cost share of 25 percent on flood control projects. It is my hope the Congress would recognize the negative impact this provision has on communities like Grand Forks and allow flood control projects to be constructed under the current 25 percent non-Federal cost-share, should the community demonstrate an inability to meet the 35 percent cost-share requirement.

Mr. President, I would like to thank the chairman of the Senate Committee on Environment and Public Works, Senator CHAFEE, and the ranking member of the committee, Senator BAUCUS, for their efforts in completing this important legislation during the 104th Congress.

Mr. President, I ask unanimous consent that two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 26, 1996.

H. MARTIN LANCASTER,  
Assistant Secretary for Civil Works, Department  
of the Army, Washington, DC.

DEAR ASSISTANT SECRETARY LANCASTER: I am writing in regard to the Water Resources

Development Act of 1996 (WRDA). I would like to know the intent of the U.S. Army Corps of Engineers in implementing Section 336 of this bill.

As you know, Section 336 of the conference version of the WRDA bill authorizes the Secretary of the Army to acquire, from willing sellers, permanent flowage and saturation easements for lands within or contiguous to the boundaries of the Buford Trenton Irrigation District in North Dakota. These flowage easements are to compensate landowners for land that has been affected by rising ground water and the risk of surface flooding due to the operation of the Garrison Dam on the Missouri River.

In acquiring these easements, this provision specifies the Secretary shall pay an amount based on the unaffected fee value of the lands, meaning the value of the lands as if unaffected by rising ground water and the risk of surface flooding. The intent of Congress is for the Secretary to acquire these easements based on the current fair market value of the land, as if unaffected by rising ground water and the risk of surface flooding. Implementing this provision as Congress intends will justly compensate these landowners for damage to their land due to the operation of the Garrison Dam.

I am requesting an assurance from the Corps that, for the purpose of acquiring these flowage easements, this land will be appraised at the current fair market value, as if unaffected by the operation of Garrison Dam.

Thank you for your consideration and I look forward to hearing from you.

Sincerely,

KENT CONRAD,  
U.S. Senate.

DEPARTMENT OF THE ARMY, OFFICE  
OF THE ASSISTANT SECRETARY,  
CIVIL WORKS, 108 ARMY PENTAGON,

Washington, DC, September 27, 1996.

Hon. KENT CONRAD,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR CONRAD: This letter is written in response to your letter dated September 26, 1996, regarding the Army Corps of Engineers intent in implementing Section 336 of the conference version of the proposed Water Resources Development Act of 1996.

In implementing section 336 and the acquisition of flowage easements from willing sellers, the Corps shall appraise such easements at their current fair market value as if the lands are not affected by rising ground water and the risk of surface flooding.

I hope this letter addresses your concerns.

Sincerely,

JOHN H. ZIRSCHKY,  
Principal Deputy Assistant Secretary of the Army (Civil Works).

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the Water Resources and Development Act of 1996. This legislation authorizes funding for a number of critical flood control projects in Pennsylvania, whose need was once again demonstrated by the devastating flooding that occurred in January 1996. It will provide essential protection to existing commercial and residential developments, reducing losses attributable to floods, lowering flood insurance, and creating opportunities for economic growth.

I have worked closely with Senator SANTORUM, as well as Chairman

CHAFEE, Chairman WARNER, and Senator BAUCUS, to ensure that this legislation reauthorizes the Saw Mill Run project in Pittsburgh, authorizes Army Corps of Engineers funding for upgrades to the storm water pumping station at the Wyoming Valley levee raising project in Luzerne County, and authorizes a flood control project for the Plot and Green Ridge neighborhoods in Scranton.

The flood protection project at Saw Mill Run will alleviate flood damage in the West End section of Pittsburgh, bringing relief to residents who have been hard hit by overbank flooding and creating opportunities for economic development in the Saw Mill Run corridor. During my visit to the project site with the mayor of Pittsburgh, Tom Murphy, on November 21, 1995, he and I discussed the city's commitment to protecting its vulnerable riverside communities and to providing the city's share of the development funds. I am pleased that this project can go forward and that we were able to secure \$500,000 for construction-related costs in the fiscal year 1997 energy and water appropriations legislation.

The Wyoming Valley levee raising project is necessary to the completion of the flood control project of 1986, so that the families and businesses of Wyoming Valley will not have to withstand the devastation of flooding as they did in 1972 from Tropical Storm Agnes. This January's flooding forced more than 100,000 people to evacuate their homes and businesses and resulted in President Clinton's declaring it a disaster area. Such a flood control project is vitally important to the affected communities along the Lackawanna River and is deserving of significant attention from the Congress. This February, the corps approved the General Design Memorandum and has begun to develop the mitigation measures for the downstream communities. This legislation incorporates an amendment offered on my behalf in the Senate managers' amendments which directs the corps to take responsibility for funding the upgrades to the storm water pumping stations.

Finally, I have worked closely with Senator SANTORUM, Congressman JOSEPH MCDADE, Chairman CHAFEE, and Scranton Mayor Jim Connors on legislation authorizing the modification of the ongoing project for flood control along the Lackawanna River in Scranton to include the Diamond Plot and Green Ridge neighborhoods. These neighborhoods have been consistently damaged by flooding, including in 1985, 1986, 1993, and 1996. On March 11, 1996, I convened a meeting in the city council chambers so Federal, State, and local officials, the Army Corps, and residents could discuss the potential for a Federal flood control project. I came away from that meeting even more impressed with the need for the Federal Government to respond with a substantial flood control effort to protect the lives and property of the residents.

The conference report authorizes the flood control project in the Plot and Green Ridge areas, with the cost-sharing element to be worked out between the Army Corps of Engineers and the city of Scranton. This is a creative solution to a difficult problem and I am hopeful that the city and the Commonwealth will work together to develop a strategy for providing the non-Federal share of the project costs. It is worth noting that the fiscal year 1997 energy and water appropriations bill contains \$600,000 for initial planning and design work of the Plot/Green Ridge projects, which means that additional time will not be lost on protecting the residents of those areas.

Mr. President, thousands of families and businesses in Pennsylvania were adversely affected by in this January's floods, and one of my priorities has been that Congress respond with sufficient funding for justified Army Corps projects. I remain concerned with the time it takes to make progress on various corps projects in Pennsylvania and will continue to explore ways to streamline the construction process. In the meantime, this legislation allows much-needed flood control projects to go forward and thus deserves our support.

Mr. KEMPTHORNE. Mr. President, I am pleased today to support the Water Resources Development Act of 1996 and I would like to congratulate the conferees of the Environment and Public Works Committee for their fine work supporting the Senate's position on this bill.

I also want to thank the conferees for supporting my amendments to that bill. Specifically, the committee supported research and development programs to improve salmon survival and supporting the continuing presence of the dredge fleet in the Columbia River.

By now everyone in the country knows the immense challenges we in the Northwest face concerning salmon survival in the Columbia and Snake Rivers. The puzzle of salmon survival is a complex one which has its roots in not only the water projects on the Columbia and Snake Rivers but also on the coasts and in the open ocean. Although a great deal of money has been spent on salmon survival, I was surprised in hearings before the Drinking Water, Fisheries and Wildlife Subcommittee that sometimes basic research into salmon survival is either not done or waits until adaptive management techniques are implemented.

The intent of my amendment was to ensure that basic research into marine mammal predation, spawning and rearing areas, estuary and near ocean survival, salmon passage, light and sound guidance of salmon, surface collection, transportation, dissolved gas monitoring, and other innovative techniques to improve fish survival does not have to wait until an adaptive management experiment is initiated.

Adaptive management should be a response to sound science not a substitute for it. A \$10 million authorization is provided for this research.

The amendment would also ensure a continuing authorization for advanced turbine development. One of the most overlooked sources of renewable energy in the Nation's energy arsenal is hydroelectric power. New research into turbine design has been for the most part overlooked. With the environmentally and fish friendly turbine design research authorized by this bill we can ensure that innovative, efficient, and environmentally safe hydropower turbines will be providing us with the next generation of power into the 21st century. A \$12 million authorization is provided for this research.

Finally, the Water Resources Development Act includes language which ensures the continued presence of Army Corps of Engineers hopper dredges in the Pacific Northwest. I thank the conferees and Chairman CHAFEE for including language in the bill which directs the Secretary to not reduce the availability or utilization of Federal hopper dredge vessels on the Pacific coast below 1996 levels. I appreciate the conferees working closely with me to develop language that would ensure that the necessary resources remain available to keep the Columbia River channel open to commerce of up river cities, including Idaho's inland port of Lewiston.

I wholeheartedly support this legislation and I thank the conferees for their consideration of my concerns.

WHITE RIVER BASIN LAKES, ARKANSAS AND  
MISSOURI

Mr. BOND. Mr. President, section 304 of this legislation includes "recreation and fish and wildlife mitigation" as purposes of the White River Basin Lakes project approved June 28, 1938 (52 Stat. 1218.). There are some in my State who have voiced strong concern that this provision may impact adversely the currently authorized project purposes of flood control, power generation, and other purposes. They fear that the outcome may be loss in generation capacity or energy production which would increase the costs to ratepayers and adversely affect the region's citizens.

The Senate language, however, explicitly authorizes these new purposes "to the extent that the purposes do not adversely impact flood control, power generation, or other authorized purposes of the project." Is it the intent of the Senators from Arkansas, who sponsored this provision, that this provision forbids any adverse impacts on currently authorized projects?

Mr. BUMPERS. The Senator from Missouri is correct. We drafted this language to explicitly preclude adverse impacts to flood control, power generation, and the other project purposes. It is the clear intent of this legislation to recognize the contribution of tourism and recreation to the economies of our respective States and to take such ac-

tions as may be proper to protect that contribution. It is equally clear that such action can occur only as long as the primary project purposes, previously established by law and practical application of that law, are fully protected.

It should be remembered that prudent use of our Nation's water resources is not limited to a few specific purposes that are mutually exclusive of one another. In addition, we must also recognize that, at times, the establishment and protection of priorities are also proper elements of public policy. Such is the case here. It is true that the tourism and recreation industries have grown beyond the expectations of anyone associated with the original construction of flood control and power generation facilities along the White River. However, this does not mean that our continuing support for flood control and efficient power generation has diminished in any degree.

I have long been one of the strongest supporters in the U.S. Senate of hydroelectric power generation. It is one of the most efficient and environmentally based sources available to our ever-growing demand for energy. Reasonable electric rates are critical to economic development and a comfortable standard of living for our people. I understand the concerns of those involved with power generation along the White River that the inclusion of recreation as a project purpose may somehow impair their access to an efficient and affordable energy source. Let me clearly state that these concerns are totally unnecessary.

The provision before us plainly prohibits any adverse impact to power generation. We clearly recognize the customary practices employed by the Corps of Engineers and power generators along the White River which have achieved proper resource conservation, energy output, and ratepayer equity. In no way should those practices be impaired or restricted by this provision. Instead, we have made certain that power generation, along with flood control and other prior purposes and practices, will remain intact.

Mr. PRYOR. Mr. President, I join my colleague from Arkansas to express thanks to the Committee on Environment and Public Works for including the language in section 304 of the Water Resources Development Act relating to the project purposes of the White River Basin Lakes in Missouri and Arkansas. This is a significant development for the tourism and recreation industries in our States.

In Arkansas, tourism has become the second leading industry, directly behind agriculture, in terms of its impact on State and local economies. Nowhere is it felt more strongly than in the White River Basin. And it is not just the local economies that feel the impact. The tax revenues generated return to the Federal treasury an amount far exceeding the Federal investment.

The White River Basin Lakes were authorized during an era when our Nation's needs and economies were quite different from today. While the Congresses of the 1940's were visionary and accomplished many positive things for our Nation in terms of flood control, and later power generation, it would have been impossible for them to imagine the development of tourist industries, such as Branson, MO, that would be affected by these lakes. It would have been impossible to know that millions of visitors each year would spend untold millions of dollars on recreation related goods and services.

I am aware of the concerns of power suppliers in both States who worry that this language will somehow subordinate power generation at these dams to recreation interests. Mr. President, as we read this language, it is absolutely clear that flood control and power generation will not be adversely affected by any actions that this legislation authorizes the Army Corps of Engineers to undertake. This language simply grants a place at the table to recreation, tourism and fish and wildlife interests. It allows the Corps of Engineers to consider impacts on these interests when making decisions about the management and operation of these lakes. This is long overdue.

Mr. INHOFE. I too am concerned that this language not adversely impact flood control, power generation capacity, energy production, Federal revenues or other authorized purposes. Has the Senator from Arkansas been in contact with the Corps of Engineers to this regard?

Mr. BUMPERS. My office has contacted representatives of the Corps of Engineers and they share our interpretation that this provision, as drafted, cannot adversely impact ratepayers. As stated by my colleague from Arkansas, we have no intention that this provision will raise rates, affect energy production or federal revenues or any other project purposes currently authorized. Conversely, it is our strong view that there are measures that can be taken to assist the tourism and fish and wildlife interests that do not impact adversely the existing project purposes. It is not our intention to have this provision result in loss of generation capacity or increase exposure to ratepayers. It was for this reason that we drafted the language in such an explicit manner.

Mr. BOND. Mr. President, is it the interpretation of the distinguished chairman of the Committee that the clear priority project purposes remain flood control, power generation capacity, energy production, Federal revenues, and those other purposes authorized subject to the 1938 law and that the additional authorization included in this legislation shall be secondary should there be any conflict between them, and the current operation of the projects for the purposes of flood control and power shall remain project priorities?

Mr. CHAFEE. The Senator from Missouri is correct. The project priorities are clear.

Mr. BOND. Mr. President, I appreciate the consideration of the Senators from Arkansas, Senator INHOFE from Oklahoma and the chairman of the Committee. Hydropower is critical to the citizens and economies of our states. I understand that power producers have been working already with fish and wildlife specialists to accommodate their interests. As this project proceeds, I will watch with great interest to see that fish and wildlife interests can be served additionally without undermining the clear and explicit intent of this provision.

Mr. CONRAD. I notice that the chairman of the Senate Committee on Environment and Public Works is on the floor. I would like to engage him in a short colloquy.

As you know, section 336 of the Water Resources Development Act of 1996 authorizes \$34 million for the Secretary of the Army to acquire, from willing sellers, permanent flowage and saturation easements for lands within and contiguous to the boundaries of the Buford Trenton Irrigation District, North Dakota. These flowage easements are to compensate landowners for land that has been affected by rising ground water and the risk of surface flooding due to the operation of the Garrison Dam on the Missouri River. The corps began operation of this dam in 1955.

In acquiring these easements, this provision specifies the Secretary shall pay an amount based on the unaffected fee value of the lands, meaning the value of the lands as if unaffected by rising ground water and the risk of surface flooding. Would the chairman agree that it is the intent of Congress that the unaffected fee value of the land be based on the current fair market value of the land as if unaffected by rising ground water and the risk of surface flooding, and not the value of the land before the Garrison Dam was operational?

Mr. CHAFEE. I would agree with the Senator that the intent of Congress is to compensate these landowners, as necessary, for damages due to the operation of the Garrison Dam using the current fair market fee value of the land. The Secretary shall value the land using current fair market rates as if the land has not been affected by rising ground water and the risk of surface flooding, and would compensate the landowners based on this price assessment. The Secretary should not value this land at the pre-project rate.

Mr. CONRAD. I thank the chairman for clarifying the intent of Congress regarding the purchase of flowage easements for lands in and adjacent to the Buford Trenton Irrigation District. I also want to thank the chairman for his efforts in passing this important legislation during the 104th Congress.

Mrs. BOXER. Will Senator CHAFEE, the distinguished chairman of the En-

vironment and Public Works Committee, yield for a question?

Mr. CHAFEE. I will be happy to yield to the Senator from California.

Mrs. BOXER. I first want to thank the chairman as well as Senator BAUCUS, the ranking Democrat, and Senator JOHN WARNER, the chairman of the Transportation and Infrastructure Subcommittee, for their determination to bring the Water Resources Development Act to conference. They have crafted a bill and a conference report that will mean for my State of California strong economic progress by opening our ports to more international trade, protecting our people from natural disasters while providing opportunities to preserve and enhance the environment.

I would like to focus on one provision of the bill involving the American river watershed. Mr. President, subparagraph D of this provision states:

The non-Federal sponsor shall be responsible for . . . 25 percent of the costs incurred for the variable flood control operation of the Folsom Dam and Reservoir.

Therefore, I interpret this to say that the local, non-Federal share of the costs of the variable flood control operation of Folsom Dam is not to exceed 25 percent.

It is also my understanding that it is the intent of the conferees that the remaining 75 percent of the costs associated with the variable flood control operation of Folsom Dam and Reservoir be the responsibility of the United States and that such costs shall be considered a nonreimbursable expense. In other words, these costs should not be passed on to the water and power ratepayers of California. May I ask the chairman if my understanding of the language is correct?

Mr. CHAFEE. Yes, the intent here is to ensure that the costs associated with the variable flood control operation of Folsom Dam and Reservoir be shared between the non-Federal project sponsor and the Federal Government. The cost of the provision of interim flood protection to the citizens of Sacramento is to be shared.

Mrs. BOXER. I thank the Senator from Rhode Island for this clarification, and ask if he would yield for a question on another provision.

Mr. CHAFEE. I will be happy to yield.

Mrs. BOXER. The Water Resources Development Act authorizes construction of the San Lorenzo River flood control project. The authorization includes critical habitat restoration, which is to be done in conjunction with the flood control portion.

It is my understanding that the Army Corps of Engineers has completed the prerequisite studies for this restoration under the section 1135 environmental restoration program. In addition, the fiscal year 1995 and 1997 energy and water appropriations bills direct funding for this project through the section 1135 program. Further, it is my understanding that the intent of

the conferees that the authorization of this project will allow the use of section 1135 studies as well as funding so that there is no further delay in the engineering, design, and construction of this project. Is my interpretation correct?

Mr. CHAFEE. Yes, the intent here is to include the habitat restoration work as part of the authorized project. Studies which have been completed by the Secretary for the habitat restoration should be put to use. Similarly, appropriations approved by Congress for the project should be made available to avoid unnecessary delay.

Mrs. BOXER. I thank the chairman for his responses and for his continued leadership in water resource development and environmental protection.

#### THE LA FARGE DAM

Mr. FEINGOLD. Mr. President, I want to express my strong support for the conference language in the 1996 Water Resources Development Act reauthorization [WRDA] that deauthorizes the La Farge Dam and Lake project. I wish to commend the hard work of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Montana [Mr. BAUCUS], the Senator from Virginia [Mr. WARNER], and their staff in completing the conference on this measure in a timely fashion prior to the adjournment of the 104th Congress. I have also been very pleased with the collegial work that has taken place among the Members of the Wisconsin delegation—Representative GUNDERSON, Senator KOHL, and myself—in steadfastly pursuing this deauthorization this year.

As I stated when this measure passed the Senate in July 1996, I am pleased that the Congress is finally acting to end this controversial project and to seek a new beginning for the Kickapoo Valley. We are finally able to say to the people of the Kickapoo Valley that the Federal Government can act to improve their lives and correct a situation that has long been the symbol, to many in the area, of a broken promise. This legislation will allow the property to be managed jointly by a local government panel comprised of local, State and tribal representation. It will be the first time in our State's history that these three different levels of government will work together to manage a property to preserve its ecological integrity while allowing the public access to the outstanding recreational opportunities.

I wanted to briefly review the details of the conference agreement with respect to this project. Under this legislation, the 8,569 acres of land purchased by the Federal Government for the construction of the La Farge Dam and Lake project will be transferred to two owners: The State of Wisconsin and the Ho Chunk Nation, a federally recognized tribe in my State. The Ho Chunk Nation will receive no more than 1,200 acres in the transfer of culturally and religiously significant sites, and the State will receive the rest.

This transfer will occur once the State and the tribe enter into a memorandum of understanding [MOU]. That MOU must ensure that the property is developed only to enhance outdoor recreational or educational purposes, described how the lands will be jointly managed, protect the confidentiality of sites of cultural and religious significance to the Ho Chunk as appropriate, and establish the terms by which the agreement will be revisited in the future.

I am particularly pleased that the conference committee was able to include a \$17 million authorization for improvement projects at this site, an authorization which was supported by the Wisconsin delegation and the local community. These improvements include: Reconstruction of the three roads; remediation of old underground storage tanks and wells on the abandoned farms; and the stabilization of the old dam site.

Next month, members of a gubernatorially appointed negotiating panel will meet with representatives of the Ho Chunk Nation to begin the MOU negotiating process. Bolstered by the passage of this legislation, I know they will try to work as swiftly as possible to complete their task.

In conclusion, Mr. President, I again want to express my gratitude to the members of the conference committee for their assistance in working with the delegation on this matter. I believe that this legislation will result in a truly landmark arrangement for the management of a public recreational area. I look forward to the final establishment of the Kickapoo Valley reserve, and the protection of this truly outstanding resource.

I first introduced legislation, S. 2186, to achieve this goal on June 14, 1994, and reintroduced that measure as S. 40 on January 4, 1995. It is a great pleasure to see this measure finally enacted.

Mr. LOTT. Mr. President, I ask unanimous consent that the conference report be considered adopted, the motion to reconsider be laid upon the table, and that statements relating to the report be placed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The conference report was agreed to.

#### UNANIMOUS-CONSENT REQUEST— CONFERENCE REPORT TO AC- COMPANY H.R. 3539

Mr. LOTT. Mr. President, I ask unanimous-consent that the Senate turn to the consideration of the conference report to accompany H.R. 3539, the FAA reauthorization bill, and the reading of the conference report be waived.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object.

The PRESIDING OFFICER. The acting leader.

Mr. FORD. Mr. President, I know there will be an objection after I make my statement, and I regret that. We have worked long and hard to bring this FAA reauthorization bill to the floor. I have worked years on it, along with the occupant of the Chair. We have security in there. We have funding for airports. We have the money to cover letters of intent. All of this is extremely important. And one item in this bill is going to bring it down.

I wish it was not in there. I wish we did not have it, but it is there. And I hope that those that object to that portion of it would just give us an up-and-down vote. The House did that. And why we could not have an up-and-down vote—based on the content of the bill, if you are opposed to all of this, all the funding for the airports, all the security, and opposed to all the money going to your airports, opposed to essential air service, all these things, then you have to vote no on the whole bill for this one item.

Mr. LOTT. Mr. President, if I could just make a comment before there is objection, if there is in fact going to be objection, to be heard further in support of my unanimous-consent request. I want to thank the Senator from Kentucky for his good work on this legislation. It has been a long time coming. He and Senator MCCAIN and Senator STEVENS and others have worked very hard.

You have an outstanding bill here. In less than 72 hours the Federal Government's authority to provide critical funding to airports across the country and our national air transportation system will expire unless we pass this FAA reauthorization bill. I am talking about over \$9 billion annually for the national needs, such as air traffic control, repair, maintenance and modernization of our air traffic control equipment, repair and construction of runways, taxiways, and other vital aviation infrastructure, the purchase of critical firefighting equipment at our Nation's airports. And the list goes on. I mean, this is also very much a question of safety.

Mr. FORD. No question about it.

Mr. LOTT. Mr. President, the recent tragic aircraft accidents, and continuing reports of power outages and equipment failures in our air traffic control centers, have raised questions about the safety of our Nation's air transportation system and the effectiveness of the Federal Government in safeguarding the traveling public.

We must do our part to reassure the traveling public that we have the world's safest air transportation system. This comprehensive legislation will go a long way in reassuring the public that the system is safe, and ensure the FAA will have a stable, predictable, and sufficient funding stream for the long term. Again, the FAA bill will:

Ensure that the FAA and our Nation's airports will be adequately funded by reauthorizing key FAA pro-

grams, including the Airport Improvement Program, for fiscal year 1997;

Ensure that the FAA has the resources it needs to improve airport and airline security in the near term;

Direct the National Transportation Safety Board to establish a program to provide for adequate notification of and advocacy services for the families of victims of aircraft accidents;

Enhance airline and air travelers' safety by requiring airlines to share employment and performance records before hiring new pilots;

Strengthen existing laws prohibiting airport revenue diversion, and provide the FAA with the tools they need to enforce Federal law prohibiting revenue diversion;

Most important, provide for thorough reform, including long-term funding reform, of the FAA to secure the resources to ensure we continue to have the safest, most efficient air transportation system in the world.

To assure air travelers and other users of our air transportation system that safety is paramount, the bill:

Requires the FAA to study and report to Congress on whether certain air carrier security responsibilities should be transferred to or shared with airports or the federal government;

Requires the National Transportation Safety Board [NTSB] to take action to help families of victims following commercial aircraft accidents;

Requires NTSB and the FAA to work together to develop a system to classify aircraft accident and safety data maintained by the NTSB, and report to Congress on the effects of publishing such data;

Ensures that the FAA gives high priority to implement a fully enhanced safety performance analysis system, including automated surveillance;

Bolsters weapons and explosive detection technology through research and development;

Improves standards for airport security passenger, baggage, and property screeners, including requiring criminal history records checks;

Requires the FAA to facilitate quick deployment of commercially available explosive detection equipment;

Contains a sense of the Senate on the development of effective passenger profiling programs;

Authorizes airports to use project grant money and passenger facility charges [PFC] for airport security programs;

Establishes aviation security liaisons at key Federal agencies;

Requires the FAA and FBI to carry out joint threat and vulnerability assessments every 3 years;

Requires all air carriers and airports to conduct periodic vulnerability assessments of security systems; and

Facilitates the transfer of pilot employment records between employing airlines so that passenger safety is not compromised.

The bill also expands the prohibition on revenue diversion to cover more instances of diversion and establishes