

1995, and ask unanimous consent, to save the cost of reprinting on the Executive Calendar, that this nomination lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of November 9, 1995, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 1719. A bill to require the Secretary of the Interior to offer to sell to certain public agencies the indebtedness representing the remaining repayment balance of certain Bureau of Reclamation projects in Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOLE (for himself, Mr. KENNEDY, and Mr. KERRY):

S. 1720. A bill to establish the Nicodemus National Historic Site and the New Bedford National Historic Landmark; ordered held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 1719. A bill to require the Secretary of the Interior to offer to sell to certain public agencies the indebtedness representing the remaining repayment balance of certain Bureau of Reclamation projects in Texas, and for other purposes; to the Committee on Energy and Natural Resources.

THE TEXAS RECLAMATION PROJECTS INDEBTED PURCHASE ACT

• Mrs. HUTCHISON. Mr. President, I introduce today a bill on behalf of the State of Texas and several major water supply authorities in Texas. It would transfer title for Bureau of Reclamation projects to local control.

The purpose of this bill is to give local public agencies the right to make decisions regarding their own local water supplies. In doing so we will reduce the size of the Federal Government and save taxpayers significant amounts of money.

Mr. President, I mentioned that I am introducing this legislation on behalf of the State of Texas. Our goal is to create a process to allow the State of Texas or its public agencies to purchase and accept title to the Bureau of Reclamation projects in the State.

I submit this measure with the full support of the State of Texas. The State legislature recently passed a resolution, endorsed and signed by the Governor, accepting the responsibility for this process of title transfer.

My interest in this effort goes back to the last Congress, when in June 1994, I introduced S. 2236 in an effort to correct a longstanding problem involving the U.S. Bureau of Reclamation and the city of Corpus Christi.

That legislation directed the Secretary of the Interior to enter into and complete negotiations with the city of Corpus Christi concerning the Nueces River project, also known as Choke Canyon Reservoir. A hearing was held on the legislation, but the Congress ended before the Senate could act.

This year, with title transfers being encouraged by both the administration and Congress, it makes sense for the Choke Canyon legislation to be included with the broader Bureau of Reclamation legislation as developed by the State of Texas.

In 1976 the city of Corpus Christi and the Nueces River authority contracted with the Bureau for construction of Choke Canyon Reservoir on the Frio River near Three Rivers, TX. The primary purpose of the project was to provide additional water to the city of Corpus Christi through the year 2040. Since project completion in 1982, however, subsequent studies have determined that the current supply to the city from the project is less than contracted for, and that additional water supplies likely will be required by the year 2003.

The local sponsors are proposing that the repayment agreements be renegotiated to reflect the diminished water supply derived from the project, as well as the unanticipated expenses that the local sponsors have incurred to obtain additional water to compensate for the projected shortfall in the Choke Canyon-Lake Corpus Christi system.

I have incorporated the Choke Canyon project into this legislation for two reasons:

First, to pursue the intent of the original contract—because the city still is not getting the water it was promised;

Second and most important, I have introduced this legislation because the area is facing a very real water shortage. Due to the lower than anticipated yield from the Choke Canyon Reservoir, projections show the 12-county region it serves will be short of water within 10 years. This will affect nearly 400,000 people and numerous major industries.

The discount and prepayment conditions which the Corpus Christi is asking be negotiated are extremely important to the city's ability to ensure adequate future water supplies at affordable prices. Congressman SOLOMON ORTIZ has introduced similar legislation on the House side.

Also included in this legislation is a project near Amarillo in the congressional district of Congressman MAC THORBERRY: the Canadian River project. Construction of the Canadian River project by the BOR was authorized by Public Law 898 on December 29, 1950, to provide a source of municipal and industrial water to member cities of the Canadian River Municipal Water Authority in the Texas Panhandle and South Plains. The cities served include Amarillo, Borger, Brownfield, Lamesa, Levelland, Lubbock, O'Donnell, Pampa,

Plainview, Slaton, and Tahoka. These currently comprise a combined population of nearly 500,000 persons.

The major project facilities include Sanford Dam on the Canadian River 35 miles northeast of Amarillo, Lake Meredith which is formed by the dam, and a 322-mile aqueduct system that transports water from the lake to the member cities. The project was built in the 1960's and has supplied water to the cities continuously since 1968. Responsibility for operation and maintenance of the entire complex of municipal water supply facilities, including Sanford Dam, was transferred to the authority on July 1, 1968.

The project authorization—section 2. (c)(3)—provides that title to the aqueduct shall pass to the project sponsor upon payment of all obligations arising from the legislation and contract.

Total project cost was about \$83.8 million, of which about \$76.9 million is reimbursable to the United States by the Authority. Non-reimbursable components paid for flood control and fish and wildlife benefits. Including interest during construction, the original reimbursable obligation was \$83.7 million, repayable with interest at the rate of 2.632 percent over a term of 50 years. Twenty-six annual payments have been made.

Under this bill the outstanding balance would be purchased by the project sponsor, the Canadian River Municipal Water Authority. Title to the aqueduct would be transferred to the Authority. Title to the dam will not be transferred because of its flood-control functions, which need to remain under the supervision of the U.S. Corps of Engineers, and title to the land around the reservoir to remain with the National Park Service because it is designated a National Recreation Area.

Purchase of the debt would be accomplished by payment of the net present value of the cash stream which would be required to repay the current indebtedness, discounted at U.S. Treasury rates on the date of purchase contract execution, after adjustment to reflect unrealized project benefits and outstanding credits.

ADVANTAGES FOR FEDERAL INTERESTS

Recent changes in the mission of the Bureau of Reclamation have reduced emphasis on water resource development projects. Now, the BOR's activities are regulatory in nature, for the most part, as they relate to existing projects. Transfer of Federal ownership would eliminate the need for BOR participation in the oversight of operation and maintenance, and relieve the Federal Government of liability related to operation of transferred facilities.

The cash payment to the Government would make funds available to support new projects that create jobs or which cannot be funded from present budget sources. Currently, BOR is considering the prospect of title transfer for selected projects, including the aqueduct system of the Canadian River Project. The debt purchase proposal in

this legislation is similar to the process which would result from those activities, without extended negotiations and added administrative costs.

ADVANTAGES FOR LOCAL SPONSORS

Because of the water supply shortfall the Canadian River Project the Authority and its member cities are forced to seek replacement water. The savings that would accrue from purchasing the outstanding debt would allow the Authority and its member cities to finance needed replacement water without undue economic hardship.

Replacement supplies capable of providing the lost annual supply of 30,000 acre-feet or more are being sought at a probable cost of \$76.5 million. That additional expenditure will be necessary even if the discounted debt purchase is accomplished.

Also included in the legislation is the Palmetto Bend project authorized by Congress in 1968.

The primary purpose of Palmetto Bend is to provide municipal and industrial water to a broad area along the Texas gulf coast. The project was completed by the BOR in 1985 and includes, as its main feature, Lake Texana.

Lake Texana is located near the gulf coast midway between Houston and Corpus Christi. It is operated by the Lavaca-Navidad River Authority. In essence, the reservoir's entire yield has been committed, including more than 42,000 acre-feet/year for municipal use in the cities of Corpus Christi and Point Comfort, and more than 32,000 acre-feet/year for industrial use largely in the regional petro-chemical-plastics industry. The city of Corpus Christi provides water service to a 10-county area. Two of the industries to which Lake Texana supplies water provide more than 3,000 jobs to the local region.

Currently, the authority and the Texas Water Development Board are obligated for repayment to the Federal Government of about \$70.7 million, at an interest rate of 3.502 percent over a term of 50 years. The board has made 10 annual payments; the authority is scheduled to begin payment in 1996.

Under this bill, the outstanding balance of debt would be prepaid, and the project purchased by the authority and board as State project sponsors. Purchase would be accomplished by payment of the net present value of the cash stream required to repay the current contractual debt, discounted at U.S. Treasury rates on the date of purchase, after adjustment to reflect unrealized project benefits and outstanding credits.

Title to the Federal portion of the project would be transferred to the State sponsors, the authority, and the board.

Two clear benefits of the transfer of title to the State sponsors are avoidance of the cost of Federal oversight of the project and the release from liability of the Federal Government. Transfer of this obligation should result in a

reduction in the size of the Federal bureaucracy required to support the projects.

Quantified advantages include an immediate infusion of approximately \$34 million to the Federal Treasury, annual savings of \$250,000 for project operation and upkeep expenses and an annual savings of about \$12,000 by avoiding payments-in-lieu-of-taxes to Jackson County.

Annual debt service payments for Lake Texana will be reduced by approximately \$1 million per year. Currently this cost is borne by the water users, so municipal and industrial water costs would be reduced.

It is estimated also that up to \$50,000 in costs due to BOR reporting mandates and management assistance would be avoided.

More importantly, however, state sponsors will be able to manage their projects to achieve the maximum benefits without the delay, expense and uncertainty which is incurred currently by BOR management oversight.

This proposal is a mutually advantageous proposition that will provide economic benefits to both Federal and State interests, while reducing duplicative and unnecessary Government programs.

Mr. President, I urge my colleagues' strong support for this legislation. It is responsible. It addresses serious local interests. It fulfills the expressed goals of both the 104th Congress and the administration, and it makes sense.

Mr. President, I ask unanimous consent that recent testimony by a representative of the Texas Water Development Board before the House Subcommittee on Water and Power Resources Subcommittee supporting this legislation be entered into the RECORD.

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

TESTIMONY BY TOM BROWN, DEPUTY EXECUTIVE ADMINISTRATOR WATER RESOURCES DEVELOPMENT, TEXAS WATER DEVELOPMENT BOARD

Mr. Chairman and Members of the Committee, thank you for the opportunity to present the views of the Texas Water Development Board on the issue of transfer of Federal Reclamation facilities to local project beneficiaries. The Legislature of the State of Texas has passed Senate Concurrent Resolution 80 and the Governor has signed this resolution, supporting the transfer of Bureau of Reclamation projects in Texas to either the local sponsors or the State. Included in SCR 80 was the direction of the legislature to the Texas Water Development Board to work with local interests to purchase Bureau projects in Texas and to encourage Congress to adopt legislation to facilitate this acquisition. Under this legislation there are three projects being proposed to be purchased, the Canadian River Project, Palmetto Bend Project and the Nueces River Reclamation Project.

There are strong incentives for the Federal Government to sell these projects to local sponsors. These include: First, receiving lump sum cash payments totaling in excess of \$100 million. Since the bill provides for the purchase of the facilities using a net present value of the outstanding debt, these pay-

ments will provide a direct cash infusion into the federal treasury while defeasing outstanding obligations of the Federal Government.

Second, the Federal Government would be able to transfer the liabilities associated with the projects to the purchaser.

Third, the Federal Government would not have to continually appropriate funds to pay for a portion of operations and maintenance of the transferred facilities.

Fourth, it would eliminate Federal overhead on these projects since oversight would not be required.

There are also significant local incentives for the purchase of these facilities. These incentives include:

1. Reducing annual debt service payments for local ratepayers.

2. Since local sponsors are currently operating and maintaining the facilities the purchase would eliminate duplication of management by both the Bureau and the local sponsor.

3. Allow for consistency in operating plans for the facilities. Since the State of Texas regulates the operation of these facilities, local or State ownership would streamline operations of the facilities through elimination of duplicative or contradictory operating plans.

4. Eliminating the time and oversight required by the Bureau of Reclamation.

5. Eliminating additional cost associated with federal involvement. For example, The Texas Water Development Board has been working with local governments in developing water conservation plans to address local issues since 1985. In fact, under state law any applicant that borrows over \$500,000 from the Board must have an approved water conservation plan. Given the recent push by the Bureau of Reclamation for the development of water conservation plans it will approve there are additional costs that should not have to be borne by local governments.

In addition, the State of Texas owns the surface water within its boundaries with rights to these surface waters being conveyed by the State to individuals and entities for beneficial uses. While the Federal Government has assisted local and State sponsors in constructing these projects to store and divert surface waters, the water rights for the projects have remained with local sponsors, not the Federal Government.

What is being proposed in this legislation, and what the Texas Water Development Board supports, is the ability of local sponsors to purchase the Federal interests in these facilities at a present value of the outstanding debt associated with the municipal and industrial uses in the projects, a transfer of all operations and maintenance and the transfer of title to the state or local sponsor. Furthermore, this legislation meets the Bureau of Reclamation's criteria for projects that could be transferred as single purpose projects: (1) A fair return to the taxpayers for Federal assets. (2) Compliance with all applicable Federal Laws. (3) That interstate compacts and interests are protected. (4) Native American assets are not affected. (5) No international treaties are affected. (6) The recipients shall maintain the public safety aspects of the project.

It is recognized that the non-reimbursable aspects of the projects such as recreational opportunities and fish and wildlife benefits are a significant public benefit. However, in the case of the projects referenced in this legislation both the Palmetto Bend and Nueces River projects, local sponsors and or the State of Texas operate all recreation and wildlife areas and the Bureau of Reclamation is not directly involved in the provision of these benefits, nor do they provide any specific or regular management function relative to these activities. The Canadian River

Project transfer will not involve transfer of any facilities associated with the non-reimbursable aspects of the projects.

Through this legislation the Congress would affirm its support to the principle that the State have the primary responsibility for management and use of its water. This legislation also recognizes that it is the States responsibility to ensure that these transfers will relieve the Federal Government of the financial liabilities associated with these projects and help Texas control its water destiny and meet the needs of its citizens.

Thank you for allowing me to issue this statement and support what we believe is needed legislation. •

ADDITIONAL COSPONSORS

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1035

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1035, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 1129

At the request of Mr. ASHCROFT, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Texas [Mrs. HUTCHINSON] were added as cosponsors of S. 1129, a bill to amend the Fair Labor Standards Act of 1938 to permit employers to provide for flexible and compressed schedules, to permit employers to give priority treatment in hiring decisions to former employees after periods of family care responsibility, to maintain the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes.

S. 1197

At the request of Mr. MACK, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 1197, a bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the dissemination to physicians of scientific information about prescription drug therapies and devices, and for other purposes.

S. 1563

At the request of Mr. SIMPSON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1563, a bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes.

S. 1624

At the request of Mr. HATCH, the names of the Senator from North Da-

kota [Mr. CONRAD] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

SENATE JOINT RESOLUTION 42

At the request of Mr. BREAUX, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of Senate Joint Resolution 42, a joint resolution designating the Civil War Center at Louisiana State University as the United States Civil War Center, making the center the flagship institution for planning the sesquicentennial commemoration of the Civil War, and for other purposes.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Colorado [Mr. BROWN], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week."

SENATE RESOLUTION 243

At the request of Mr. ROBB, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Dakota [Mr. DORGAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. REID], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Resolution 243, a resolution to designate the week of May 5, 1996, as "National Correctional Officers and Employees Week."

AMENDMENT NO. 3752

At the request of Mr. ABRAHAM the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Amendment No. 3752 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

AMENDMENT NO. 3780

At the request of Mr. LEAHY the names of the Senator from Oregon [Mr.

HATFIELD] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Amendment No. 3780 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigation personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

At the request of Mr. WELLSTONE his name was added as a cosponsor of amendment no. 3780 proposed to S. 1664, supra.

SENATE CONCURRENT RESOLUTION 51—TO PROVIDE FOR THE APPROVAL OF FINAL REGULATIONS

Mr. WARNER submitted the following concurrent resolution; which was considered and agreed to on April 15, 1996:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring). That the following regulations issued by the Office of Compliance on January 22, 1996, and applicable to employing offices that are not employing offices of the House of Representatives or the Senate, and to covered employees who are not employees of the House of Representatives or the Senate, are hereby approved as follows:

PART 825—FAMILY AND MEDICAL LEAVE

825.1 Purpose and scope.

825.2 [Reserved].

SUBPART A—WHAT IS THE FAMILY AND MEDICAL LEAVE ACT, AND TO WHOM DOES IT APPLY UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT?

825.100 What is the Family and Medical Leave Act?

825.101 What is the purpose of the FMLA?

825.102 When are the FMLA and the CAA effective for covered employees and employing offices?

825.103 How does the FMLA, as made applicable by the CAA, affect leave in progress on, or taken before, the effective date of the CAA?

825.104 What employing offices are covered by the FMLA, as made applicable by the CAA?

825.105 [Reserved].

825.106 How is "joint employment" treated under the FMLA as made applicable by the CAA?

825.107—825.109 [Reserved].

825.110 Which employees are "eligible" to take FMLA leave under these regulations?

825.111 [Reserved].

825.112 Under what kinds of circumstances are employing offices required to grant family or medical leave?

825.113 What do "spouse", "parent", and "son or daughter" mean for purposes of an employee qualifying to take FMLA leave?

825.114 What is a "serious health condition" entitling an employee to FMLA leave?