Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning Catherine T. Bacon and ending Karin G. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Air Force nominations beginning Ronald A. Gregory and ending Melody A. Warren, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Army nominations beginning Philip W. Hill and ending Joseph F. Hannon, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Army nominations beginning Ronald J. Buchholz and ending *Jean M. Davis, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Army nominations beginning Jack R. Christensen and ending Daniel J. Travers, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Army nominations beginning Brent M. Boyles and ending Frank J. Toderico, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Army nominations beginning *Robin M. Adamsmccallum and ending Esmeraldo Zarzabal, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Army nominations beginning Richard A. Gaydo and ending John E. Zydron, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Army nomination of Thomas A. Kolditz, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Army nominations beginning Karen A. Dixon and ending Jesse J. Rose, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Navy nomination of James R. Lake, which was received by the Senate and appeared in the Congressional Record on April 11, 2000.

Navy nomination of Robert E. Davis, which was received by the Senate and appeared in the Congressional Record on May 11, 2000.

Navy nominations beginning Lawrence J. Chick and ending James R. Wimmer, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Navy nomination of Ray A. Stapf, which was received by the Senate and appeared in the Congressional Record on May 17, 2000.

Navy nomination of Jeffrey M. Armstrong, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Navy nomination of Billy J. Price, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Navy nominations beginning Aurora S. Abalos and ending Jerry L. Zumbro, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Marine Corps nominations beginning Dennis J. Allston and ending David L. Stokes, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Marine Corps nominations beginning Arthur J. Athens and ending Marc A. Workman, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Marine Corps nominations beginning Tray J. Ardese and ending Barian A. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Marine Corps nomination of John M. Dunn, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

Paul C. Huck, of Florida, to be United States District Judge for the Southern District of Florida.

John W. Darrah, of Illinois, to be United States District Judge for the Northern District of Illinois.

Joan Humphrey Lefkow, of Illinois, to be United States District Judge for the Northern District of Illinois.

George Z. Singal, of Maine, to be United States District Judge for the District of Maine.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BREAUX:

S. 2792. A bill to provide that land which is owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the Tribe without further approval by the United States; to the Committee on Indian Affairs.

By Mr. HOLLINGS (for himself, Mr. INOUYE, Mr. ROCKEFELLER, Mr. DORGAN, and Mr. KERRY):

S. 2793. A bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2794. A bill to provide for a temporary Federal district judgeship for the southern district of Indiana; to the Committee on the Judiciary.

By Mr. REID:

S. 2795. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes; to the Committee on Indian Affairs.

By Mr. VOINOVICH (for himself, Mr. SMITH of New Hampshire, and Mr. BAUCUS):

S. 2796. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH of New Hampshire (for himself, Mr. BAUCUS, Mr. VOINOVICH, Mr. GRAHAM, and Mr. MACK):

S. 2797. A bill to authorize a comprehensive Everglades restoration plan; to the Committee on Environment and Public Works.

By Mr. ALLARD:

S. 2798. A bill to amend the Federal Deposit Insurance Act to require periodic cost-of-living adjustments to the amount of deposit insurance coverage available under that Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI (for himself, Mr. ABRAHAM, and Mr. CAMPBELL):

S. 2799. A bill to allow a deduction for Federal, State, and local taxes on gasoline, diesel fuel, or other motor fuel purchased by consumers between July 1, 2000, and December 31, 2000; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. CRAPO):

S. 2800. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself and Mr. HELMS):

S. 2801. A bill to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act; read the first time.

By Mr. WELLSTONE:

S. 2802. A bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add White Earth Tribal and Community College to the list of 1994 Institutions; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. Res. 328. A resolution to commend and congratulate the Louisiana State University Tigers on winning the 2000 College World Series; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. INOUYE, Mr. ROCKEFELLER, Mr. DORGAN, and Mr. KERRY):

S. 2793. A bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments; to the Committee on Commerce, Science, and Transportation.

FOREIGN GOVERNMENT INVESTMENT ACT OF 2000

Mr. HOLLINGS. Mr. President, in Saturday's Washington Post business section there is a headline story: German Phone Giant Seeks U.S. Firm. The concluding paragraph:

But Hedberg stressed that a joint venture will not, under any circumstances, be considered as the means of crafting an offering for

multinationals: Deutsche Telekom wants full control of whatever course it pursues.

Accordingly, on behalf of Senators INOUYE, ROCKEFELLER, DORGAN, KERRY, and myself, we introduce legislation to clarify the rules governing the takeover of U.S. telecommunications providers by overseas companies owned by foreign governments. The original rules in this area were established by statute in the 1930's, and while the law has not changed, the FCC's interpretation of this statute has.

It is time to revisit this matter to ensure that current policy is consistent with efforts to promote vigorous domestic competition, maintain a secure communications system for National Security while meeting our International Trade Obligations.

The statute expressly prohibits the transfer of a license to any corporation owned 25 percent or more by a foreign government, but allows the FCC to waive this prohibition if doing so would be in the public interest. Unfortunately, the FCC in previous rulemaking has found that the public interest is satisfied solely on the basis of whether the foreign government owned company is based in a WTO country. If the country is a member of the WTO, the FCC assumes that the public interest standard has been met.

The legislation we introduce today will bar outright the transfer or issuance of telecommunications licenses to providers who are more than 25 percent owned by a foreign government. We would not be alone in taking this step. Governments across the globe have prevented government owned telecommunications providers from purchasing assets in their countries. In the last month, the Spanish government prevented KPN, the Dutch provider, from purchasing Telefónica de España because of the Netherlands government's stake in KPN. They were not alone; the Italian and Hong Kong governments have recently thwarted takeover attempts by Deutsche Telekom, of Telecom Italia, and Singapore Tel, of Hong Kong Telecom, for just such reasons.

Recent comments by Deutsche Telekom are particularly disturbing. During a recent press conference in New York, DT's CEO, Rom Sommer, stated ''that the market cap of Deutsche Telekom today vs. any American potential acquisition candidate means that nobody is out of reach.'' DT is approximately 59 percent government owned, has approximately 100 million euros in cash and operates essentially from a protected home market. NTT, the Japanese Government owned provider and France Telecom, the French Government owned provider are similarly situated.

Since 1984, U.S. telecommunications policy has encouraged vigorous domestic competition. The modified final judgment and the 1996 Telecommunications Act are key examples of our efforts in this area. While our efforts to foster competition have benefited consumers, these efforts have depressed the earnings and stock prices of U.S. domestic providers.

But in ''Promoting competition'' here at home we may be facilitating the ease by which foreign protected players may emerge with key U.S. assets. So for example, regulated European monopolists Deutsche Telekom and France Telecom, both majority foreign government owned—and subject to considerably less domestic competition, are reportedly eyeing U.S. companies.

For more than fifty years, U.S. international trade policy has encouraged governments to separate themselves from the private or commercial sector. Throughout the 1960s and 1970s, the U.S. Government encouraged various privatizations of foreign government-owned commercial ventures.

With the end of the Cold War and the rise of global capitalism, we can justifiably claim an enormous amount of success in these efforts. Unfortunately, these efforts are far from complete. Around the globe, some of the world's most important sectors remain shackled with government-owned competitors. These government owned companies distort competition and undermine the concept of private capitalism.

To allow these government-owned entities to purchase U.S.-based assets would undermine longstanding and successful U.S. policy. Moreover, allowing these competitors into the United States could potentially undercut our efforts to ensure competition in our domestic telecommunications market and in markets abroad.

Government ownership of commercial assets results in significant marketplace distortion. Companies owned by governments have access to capital, capital markets and interest rates on more favorable terms than companies not affiliated with national governments. Many lenders may assume, correctly, that individual governments would not allow these companies to fail.

In addition, companies competing with these providers may suffer from increased costs as a result of the entrance of such providers into the market. Lenders may conclude that the difficulty in competing with a government-owned company will increase the likelihood of failure. As a result, the entrance of a government supported provider into a market raises troubling anti-competitive issues. Many of these anti-competitive effects can be relieved merely by the elimination of government-owned stakes.

Finally, with regard to foreign markets, it is troubling to permit companies to be regulated by the governments that own them. While there is little we can do to effect this situation, we can take care to see that it is not exacerbated. These companies may use profits from these anticompetitive markets to unfairly subsidize U.S. operations.

I must raise the national security concerns that trouble me greatly. We can all agree that telecommunications services are important for national security concerns. To permit a foreign government to own such assets would raise too many troubling questions.

The United States government—for national security purposes—created and nurtured the Internet in the 1960s and 1970s to ensure redundancy in communications. To permit foreign government owned companies to purchase the infrastructure necessary to support the Internet would undercut the very success of these efforts.

This bill is timely for one additional reason. In recent days we have seen an increase in European Union antitrust scrutiny in the telecommunications area. Much of that activity has focused on two high profile proposed mergers, WorldCom-Sprint and Time WARNER–AOL, despite the limited impact that these mergers will have on the European Union. This trend has become so pronounced that it received coverage in last weeks Washington Post in a story entitled, ''EU Resists Big U.S. mergers.''

This increased antitrust activity is particularly troublesome because competitors to both companies are owned by European governments including the German, French and Dutch governments.

Moreover, several of these government owned companies are widely reported to be interested in purchasing the remnants of Sprint that may be separated as a result of this investigation. In fact, according to a recent Financial Times story, as a result of aggressive antitrust enforcement, a strong American competitor—MCI WorldCom may fall prey to one of these government owned-competitors.

For the United States Justice Department to take this step is one matter—these mergers involve American companies, primarily doing business in the United States. For the EU to take this step—when it is likely to assist European Companies owned by its member governments—is quite another.

Moreover, this is not the first time that the EU has intervened in a U.S. merger to protect European government owned companies. Several years ago, the EU objected to the Boeing-McDonnell Douglas merger in order to protect the government owned Airbus consortium.

In conclusion, this legislation establishes all of the correct incentives. It does not prohibit foreign investment; rather, it prohibits foreign government investment. Many companies have expressed a desire to enter the U.S.; ours is a lucrative market. By encouraging additional privatization of the government-owned telecommunications providers interested in providing services in the United States we will further the ideals of international capitalism.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2794. A bill to provide for a temporary Federal district judgeship for

the southern district of Indiana; to the Committee on the Judiciary.

TEMPORARY JUDGESHIP FOR SOUTHERN INDIANA

Mr. BAYH. Mr. President, I rise today with Senator RICHARD LUGAR to introduce the Southern District of Indiana Temporary Judgeship Act. This legislation creates an additional temporary judgeship for the Southern District of Indiana to help alleviate the strain experienced over the past five years as a result of an extremely heavy caseload.

In the last year alone, the Southern District has seen a higher than average number of case filings with 585 filings per judge, compared to the national average of 493 filings per judge. The Federal Bureau of Prisons ''Death Row'' has recently been located at the United States Penitentiary in Terre Haute, Indiana, which is part of the Southern District. As a result, the Southern District anticipates a significant increase in the number of petitions in death habeas cases. In addition, the Southern District of Indiana includes our state capital of Indianapolis, the center of government and politics in the Hoosier State. The court has experienced an increase in the number of cases which raise political and public policy questions. The Southern District court is clearly overburdened.

The legislation I introduce today is critical to ensuring the delivery of Justice in the Southern District of Indiana. There is wide agreement about the need for this additional judgeship and, in fact, the Judicial Conference has called on Congress to add a temporary judge. I urge my colleagues to give this legislation their serious consideration and support. I thank the President and I yield the floor.

By Mr. REID:

S. 2795. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes; to the Committee on Indian Affairs.

WESTERN SHOSHONE CLAIMS DISTRIBUTION ACT

Mr. REID. Mr. President, I rise today to introduce the Western Shoshone Claims Distribution Act.

Historically, the Western Shoshone were the residents land in the northeastern corner of Nevada and parts of California. For more than a hundred years, the Western Shoshone have received no compensation for the loss of their tribal lands. In the 1950's, the Indian Lands Claim Commission was established to compensate Indians for lands ceded to the United States. The commission determined that Western Shoshone land had been taken through ''gradual encroachment,'' and awarded the tribe 26 million dollars. The commission's decision was later approved by the United States Supreme Court. However, it was not until 1979 that the United States appropriated more than 26 million dollars to reimburse the descendants of these tribes for their loss.

Mr. President, the Western Shoshone are not a wealthy people. A third of the tribal members are unemployed; for many of those who do have jobs, it is a struggle to live from one paycheck to the next. Wood stoves often provide the only source of heat in their aging homes. Like other American Indians, the Western Shoshone continue to be disproportionately affected by poverty and low educational achievement. The high school completion rate for Indian people between the ages of 20 and 24 is dismally low. American Indians have a drop-out rate 12.5 percent higher than the rest of the nation. For the majority of the Western Shoshone, the money contained in the settlement funds could lead to drastic lifestyle improvements.

Yet twenty years later, those three judgement funds still remain in the United States Treasury. The Western Shoshone have not received a single penny of the money which is rightfully theirs. In those twenty years, the original trust fund has grown to more than 121 million dollars. It is long past the time that this money should be delivered into the hands of its owners. The Western Shoshone Steering Committee has officially requested that Congress enact legislation to affect this distribution.

It has become increasingly apparent in recent years that the vast majority of those who qualify to receive these funds support an immediate distribution of their money. This Act will provide payments to eligible Western Shoshone tribal members and ensure that future generations of Western Shoshone will be able to enjoy the benefit of the distribution in perpetuity. Through the establishment of a tribally controlled grant trust fund, individual members of the Western Shoshone will be able to apply for money for education and other needs within limits set by a self-appointed committee of tribal members.

It is clear that the Western Shoshone want the funds from their claim distributed with all due haste. Members of the Western Shoshone gathered in Fallon and Elko, Nevada in May of 1998. They cast a vote overwhelmingly in favor of distributing the funds. 1,230 supported the distribution in the statewide vote; only 53 were opposed. I rise today in support and recognition of their decision. The final distribution of this fund has lingered for more than twenty years and it is clear that the best interests of the tribes will not be served by prolonging their wait.

Mr. President, twenty years has been more than long enough.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2795

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Western Shoshone Claims Distribution Act''.

SEC. 2. DISTRIBUTION OF DOCKET 326–K FUNDS.

The funds appropriated on December 19, 1979, in satisfaction of an award granted to the Western Shoshone Indians in Docket Number 326–K before the Indian Claims Commission, including all earned interest shall be distributed as follows:

(1) The Secretary shall establish a Western Shoshone Judgment Roll consisting of all Western Shoshones who—

(A) have at least ¼ degree of Western Shoshone Blood;

(B) are citizens of the United States; and

(C) are living on the date of enactment of this Act.

(2) Any individual determined or certified as eligible by the Secretary to receive a per capita payment from any other judgment fund awarded by the Indian Claims Commission, the United States Claims Court, or the United States Court of Federal Claims, that was appropriated on or before the date of enactment of this Act, shall not be eligible for enrollment under this Act.

(3) The Secretary shall publish in the Federal Register rules and regulations governing the establishment of the Western Shoshone Judgment Roll and shall utilize any documents acceptable to the Secretary in establishing proof of eligibility. The Secretary's determination on all applications for enrollment under this paragraph shall be final.

(4) Upon completing the Western Shoshone Judgment Roll under paragraph (1), the Secretary shall make a per capita distribution of 100 percent of the funds described in this section, in a sum as equal as possible, to each person listed on the Roll.

(5)(A) With respect to the distribution of funds under this section, the per capita shares of living competent adults who have reached the age of 19 years on the date of the distribution provided for under paragraph (4), shall be paid directly to them.

(B) The per capita shares of deceased individuals shall be distributed to their heirs and legatees in accordance with regulations prescribed by the Secretary.

(C) The shares of legally incompetent individuals shall be administered pursuant to regulations and procedures established by the Secretary under section 3(b)(3) of Public Law 93-134 (25 U.S.C. 1403(b)(3)).

(D) The shares of minors and individuals who are under the age of 19 years on the date of the distribution provided for under paragraph (4) shall be held by the Secretary in supervised individual Indian money accounts. The funds from such accounts shall be disbursed over a period of 4 years in payments equaling 25 percent of the principal, plus the interest earned on that portion of the per capita share. The first payment shall be disbursed to individuals who have reached the age of 18 years if such individuals are deemed legally competent. Subsequent payments shall be disbursed within 90 days of the individual's following 3 birthdays.

(6) All funds distributed under this Act are subject to the provisions of section 7 of Public Law 93-134 (25 U.S.C. 1407).

(7) All residual principal and interest funds remaining after the distribution under paragraph (4) is complete shall be added to the principal funds that are held and invested under section 3(1).

(8) All per capita shares belonging to living competent adults certified as eligible to share in the judgment fund distribution under this section, and the interest earned on those shares, that remain unpaid for a period of 6-years shall be added to the principal funds that are held and invested under section 3(1), except that in the case of a minor,

such 6-year period shall not begin to run until the minor reaches the age of majority.

(9) Receipt of a share of the judgment funds under this section shall not be construed as a waiver of any existing treaty rights pursuant to the ''1863 Treaty of Ruby Valley'' inclusive of all Articles I through VIII and shall not prevent any Western Shoshone Tribe or Band or individual Shoshone Indian from pursuing other rights guaranteed by law.

SEC. 3. DISTRIBUTION OF DOCKETS 326–A–1 AND 326–A–3.

The funds appropriated on March 23, 1992, and August 21, 1995, in satisfaction of the awards granted to the Western Shoshone Indians in Docket Numbers 326–A–1 and 326–A–2 before the United States Court of Claims, and the funds referred to under section 2, together with all earned interest, shall be distributed as follows:

(1)(A) Not later than 120 days after the date of enactment of this Act, the Secretary shall establish in the Treasury of the United States a trust fund to be known as the ''Western Shoshone Educational Trust Fund'' for the benefit of the Western Shoshone members. There shall be credited to the Trust Fund the amount described in the matter preceding this paragraph.

(B) The principal amount in the Trust Fund shall not be expended or disbursed. Other amounts in the Trust Fund shall be invested as provided for in section 1 of the Act of June 24, 1938 (25 U.S.C. 162a).

(C) All accumulated and future interest and income from the Trust Fund shall be distributed as educational and other grants, and as other forms of assistance determined appropriate, to individual Western Shoshone members as required under this Act and to pay the reasonable and necessary expenses of the Administrative Committee established under paragraph (2) (as defined in the written rules and procedures of such Committee). Funds under this paragraph shall not be distributed on a per capita basis.

(2)(A) An Administrative Committee to oversee the distribution of the education grants authorized under paragraph (1) shall be established as provided for in this paragraph.

(B) The Administrative Committee shall consist of 1 representative from each of the following organizations:

(i) The Western Shoshone Te-Moak Tribe.

(ii) The Duckwater Shoshone Tribe.

(iii) The Yomba Shoshone Tribe.

(iv) The Ely Shoshone Tribe.

(v) The Western Shoshone Business Council of the Duck Valley Reservation, Fallon Band of Western Shoshone.

(vi) The at large community.

(C) Each member of the Committee shall serve for a term of 4-years. If a vacancy remains unfilled in the membership of the Committee for a period in excess of 60 days, the Committee shall appoint a replacement from among qualified members of the organization for which the replacement is being made and such member shall serve until the organization to be represented designates a replacement.

(D) The Secretary shall consult with the Committee on the management and investment of the funds subject to distribution under this section.

(E) The Committee shall have the authority to disburse the accumulated interest fund under this Act in accordance with the terms of this Act. The Committee shall be responsible for ensuring that the funds provided through grants under paragraph (1) are utilized in a manner consistent with the terms of this Act. In accordance with paragraph (1)(C), the Committee may use a portion of the interest funds to pay all of the reasonable and necessary expenses of the Committee, including per diem rates for attendance at meetings that are the same as for those paid to Federal employees in the same geographic location.

(F) The Committee shall develop written rules and procedures that include such matters as operating procedures, rules of conduct, scholarship fund eligibility criteria (such criteria to be consistent with this Act), application selection procedures, appeals procedures, fund disbursement procedures, and fund recoupment procedures. Such rules and procedures shall be subject to the approval of the Secretary. A portion of the interest funds, not to exceed $100,000, under this Act may be used by the Committee to pay the expenses associated with developing such rules and procedures. At the discretion of the Committee, and with the approval of the appropriate tribal governing body, jurisdiction to hear appeals of the Committee's decisions may be exercised by a tribal court, or a court of Indian offenses operated under section 11 of title 25, Code of Federal Regulations.

(G) The Committee shall employ an independent certified public accountant to prepare an annual financial statement that includes the operating expenses of the Committee and the total amount of scholarship fund disbursements for the fiscal year for which the statement is being prepared under this section. The Committee shall compile a list of names of all individuals approved to receive scholarship funds during such fiscal year. The financial statement and the list shall be distributed to each organization referred to in this section and copies shall be made available to the Western Shoshone members upon request.

SEC. 4. DEFINITIONS

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRUST FUND.—The term ''Trust Fund'' means the Western Shoshone Educational Trust Fund established under section 3(1).

(3) WESTERN SHOSHONE MEMBERS.—The term ''Western Shoshone members'' means an individual who appears on the Western Shoshone Judgment Roll established under section 2(1), or an individual who is the lineal descendant of an individual appearing on the roll, and who—

(A) satisfies all eligibility criteria established by the Administrative Committee under section 3;

(B) fulfills all application requirements established by the Administrative Committee; and

(C) agrees to utilize tile funds in a manner approved by the Administrative Committee for educational or vocational training purposes.

SEC. 5. REGULATIONS.

The Secretary shall prescribe the enrollment regulations necessary to carry out this Act.

By Mr. VOINOVICH (for himself, Mr. SMITH of New Hampshire, and Mr. BAUCUS):

S. 2796. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. VOINOVICH. Mr. President, I am pleased to introduce today the Water Resources Development Act of 2000, and I am pleased that my colleagues Senator BOB SMITH, Environment and Public Works Committee chairman and Senator MAX BAUCUS, ranking member of the Environment and Public Works Committee have joined as co-sponsors of this bill.

The Water Resources Development Act of 2000 (WRDA2000) is the culmination of four hearings that the Committee on Environment and Public Works has held regarding a number of different water resources development issues and projects. The cornerstone of this year's WRDA bill will be the Comprehensive Everglades Restoration Plan, however, the bill that I am introducing today does not contain an Everglades Restoration Title. That title will be added as an amendment to this bill by Senate Environment and Public Works Committee Chairman BOB SMITH when the full Committee marks-up WRDA 2000 on Wednesday, June 28, 2000.

Some of my colleagues may question the need for a water resources bill this year since Congress passed a WRDA bill just last year. In reality, last year's bill was actually unfinished business from the 105th Congress, and if Congress is to get back on its two year cycle for passage of WRDA legislation, we need to act on a bill this year. The two year cycle is important to avoid long delays between the planning and execution of projects and to meet Federal commitments to state and local governments partners who share the costs of these projects with the Federal government.

While the two year authorization cycle is extremely important in maintaining efficient schedules for completion of water resources projects, efficient schedules also depend on adequate appropriations. The appropriation of funds for the Corps' program has not been adequate and, as a result, there is a backlog of over 500 projects that will cost the federal government $38 billion to complete.

I believe these are worthy projects with positive benefit-to-cost ratios and capable non-Federal sponsors. Nevertheless, the inability to provide adequate funding for these projects means that project construction schedules are spread out over a longer period of time, resulting in increased construction costs and delays in achieving project benefits.

Mr. President, I recognize that budget allocations and Corps appropriations are beyond the purview of the authorization package that I am introducing today, but I believe that the backlog issue should impact the way we approach WRDA2000 in three very important ways.

First, we need to control the mission creep of the Corps of Engineers. I am not convinced that there is a Corps role in water and sewage plant construction, and I am pleased to report that the bill that I am introducing today contains no authorizations for environmental infrastructure, such as wastewater treatment plants or combined

sewer overflow systems. Another example is the brownfields remediation authority proposed by the White House for the Corps. Brownfield remediation is a very important issue. It is a big problem in my state of Ohio and I am working to remove federal impediments to State cleanups. Having said that, I do not believe this is a mission of the Corps of Engineers, and the bill that I am introducing today does not contain authority for the Corps to be involved in brownfields remediation.

We need to recognize and address the large unmet national needs within the traditional Corps mission areas: needs such as flood control, navigation and the emerging mission area of restoration of nationally significant environmental resources like the Florida Everglades.

The second thing that we need to do is to make sure that the projects Congress authorizes meet the highest standard of engineering, economic and environmental analysis. We must be sure that these projects and project modifications make maximum net contributions to economic development and environmental quality.

We can only assure that projects meet these high standards if projects have received adequate study and evaluation to establish project costs, benefits, and environmental impacts to an appropriate level of confidence. This means that a feasibility report must be completed before projects are authorized for construction. Thus, WRDA 2000 only contains projects which have completed feasibility reports.

Finally, we have to preserve the partnerships and cost sharing principles of the Water Resources Development Act of 1986. WRDA '86 established the principle that water resources project should be accomplished in partnerships with states and local governments and that this partnership should involve significant financial participation by the non-federal sponsors. This bill contains no cost share changes.

My experience as Mayor of Cleveland and Governor of Ohio convinced me that the requirement for local funding to match federal dollars results in much better projects than where Federal funds are simply handed out. Whether it's parks, housing, highways, or water resources projects, the requirement for a local cost share provides a level of accountability that is essential to a quality project. Cost sharing principles must not be weakened, and I am pleased to report that they are not in this legislation.

Mr. President, the bill that I am introducing today ensures that we only commit to those projects that are properly within the purview of the Corps of Engineers, it provides that each project meets the necessary criteria for federal involvement and it preserves the cost-sharing arrangement with state and local sponsors that has been in place for more than a decade. It is a responsible approach to meeting our nation's water resources needs, and I look forward to working with my colleagues to advance the goals of this legislation.

Thank you, Mr. President. I ask unanimous consent that a copy of the Water Resources Development Act of 2000 be printed in the RECORD following my remarks.

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

S. 2796

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the designated report: The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,000,000, with an estimated Federal cost of $10,000,000 and an estimated non-Federal cost of $5,000,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, ARIZONA.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $26,400,000, with an estimated Federal cost of $17,100,000 and an estimated non-Federal cost of $9,300,000.

(4) TRES RIOS, ARIZONA.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $90,000,000, with an estimated Federal cost of $58,000,000 and an estimated non-Federal cost of $32,000,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $168,900,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $124,900,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood control, Murrieta Creek, California, at a total cost of $43,100,000, with an estimated Federal cost of $27,800,000 and an estimated non-Federal cost of $15,300,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) RANCHOS PALOS VERDES, CALIFORNIA.—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) SANTA BARBARA STREAMS, CALIFORNIA.—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $17,100,000, with an estimated Federal cost of $8,600,000 and an estimated non-Federal cost of $8,500,000.

(10) UPPER NEWPORT BAY HARBOR, CALIFORNIA.—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total cost of $28,280,000, with an estimated Federal cost of $18,390,000 and an estimated non-Federal cost of $9,890,000.

(11) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $26,000,000, with an estimated Federal cost of $16,900,000 and an estimated non-Federal cost of $9,100,000.

(12) TAMPA HARBOR, FLORIDA.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $7,245,000, with an estimated Federal cost of $4,709,000 and an estimated non-Federal cost of $2,536,000.

(13) BARBERS POINT HARBOR, OAHU, HAWAII.—The project for navigation, Barbers Point Harbor, Oahu, Hawaii, at a total cost of $51,000,000, with an estimated Federal cost of $21,000,000 and an estimated non-Federal cost of $30,000,000.

(14) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John T. Myers Lock and Dam, Ohio River, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $183,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(17) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(18) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000, and at an estimated average annual cost of $110,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $55,000 and an estimated annual non-Federal cost of $55,000.

(19) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $30,081,000, with an estimated Federal cost of $19,553,000 and an estimated non-Federal cost of $10,528,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(20) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(21) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $100,000,000, with an estimated Federal cost of $65,000,000 and an estimated non-Federal cost of $35,000,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(22) OHIO RIVER.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $200,000,000, with an estimated Federal cost of $160,000,000 and an estimated non-Federal cost of $40,000,000.

SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

SEC. 105. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

SEC. 106. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.

(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.

(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.

(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephensville, Louisiana.

(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Mushingum County, Ohio.

SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(10) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(11) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(12) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(13) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(14) CENTRAL AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Oregon.

(15) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(16) EUGENE MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Oregon.

(17) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Perry Creek, Iowa.''.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

''(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).''.

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended in the second sentence—

(1) by striking ''State legislative''; and

(2) by inserting before the period at the end the following: ''of the State or a body politic of the State''.

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

''SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

''(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

''(1) ecosystem protection and restoration;

''(2) flood damage reduction;

''(3) navigation and ports;

''(4) watershed protection;
''(5) water supply; and
''(6) drought preparedness.
''(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—
''(1) the Secretary of the Interior;
''(2) the Secretary of Agriculture;
''(3) the Secretary of Commerce;
''(4) the Administrator of the Environmental Protection Agency; and
''(5) the heads of other appropriate agencies.
''(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.
''(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to the Delaware River basin.
''(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.
''(f) COST-SHARING REQUIREMENTS.—
''(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.
''(2) CREDIT.—
''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.
''(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.
''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
(b) PROGRAM.—
(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—
(A) will substantially benefit Indian tribes; and
(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.
(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—
(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and
(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.
(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—
(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).
(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—
(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and
(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).
(d) PRIORITY PROJECTS.—In selecting water resources development projects for study under this section, the Secretary shall give priority to—
(1) the project along the upper Snake River within and adjacent to the Fort Hall Indian Reservation, Idaho, authorized by section 304; and
(2) the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 435(b).
(e) COST SHARING.—
(1) ABILITY TO PAY.—
(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.
(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.
(2) CREDIT.—
(A) IN GENERAL.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.
(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.
(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—
(1) by striking paragraphs (1) and (2) and inserting the following:
''(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.
''(2) CRITERIA AND PROCEDURES.—
''(A) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—
''(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and
''(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).
''(B) REVISED CRITERIA AND PROCEDURES.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay.''; and
(2) in paragraph (3)—
(A) in subparagraph (A)(ii), by adding ''and'' at the end; and
(B) by striking subparagraphs (B) and (C) and inserting the following:
''(B) may consider additional criteria relating to—
''(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or
''(ii) additional assistance that may be available from other Federal or State sources.''.

SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.
(b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.
(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–515), the Secretary may—
(1) participate in the National Recreation Reservation Service on an interagency basis; and
(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: ''in cases in which the activities require specialized training relating to hydroelectric power generation''.

SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—
(1) in the first sentence, by striking ''$1,000,000'' and inserting ''$2,000,000''; and
(2) in the second sentence, by inserting ''out'' after ''carry''.

SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
(b) REBURIAL.—
(1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—
(A) have been discovered on project land; and
(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.
(2) REBURIAL.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).
(c) CONVEYANCE AUTHORITY.—
(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law,

the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''It shall'';

(2) by striking ''However, such structures'' and inserting the following:

''(b) WATERWAYS WITHIN A SINGLE STATE.—Notwithstanding subsection (a), structures described in subsection (a)'';

(3) by striking ''When plans'' and inserting the following:

''(c) MODIFICATION OF PLANS.—When plans'';

(4) by striking ''The approval'' and inserting the following:

''(d) APPLICABILITY.—

''(1) BRIDGES AND CAUSEWAYS.—The approval''; and

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

''(2) DAMS AND DIKES.—

''(A) IN GENERAL.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

''(B) OTHER DAMS AND DIKES.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

''(i) shall be subject to section 10; and

''(ii) shall not be subject to the approval requirements of this section.''.

SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

''SEC. 1001. PROJECT DEAUTHORIZATIONS.

''(a) DEFINITIONS.—In this section:

''(1) CONSTRUCTION.—The term 'construction', with respect to a project or separable element, means—

''(A) in the case of—

''(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and

''(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

''(B) in the case of an environmental protection and restoration project—

''(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or

''(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

''(C) in the case of any other water resources project, the performance of physical work under a construction contract.

''(2) PHYSICAL WORK UNDER A CONSTRUCTION CONTRACT.—The term 'physical work under a construction contract' does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

''(b) PROJECTS NEVER UNDER CONSTRUCTION.—

''(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—

''(A) are authorized for construction; and

''(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.

''(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for construction of the project or separable element by the end of that period.

''(c) PROJECTS FOR WHICH CONSTRUCTION HAS BEEN SUSPENDED.—

''(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

''(A) that are authorized for construction;

''(B) for which Federal funds have been obligated for construction of the project or separable element; and

''(C) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

''(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.

''(d) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (b)(1) and (c)(1), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element is or would be located.

''(e) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).

''(f) EFFECTIVE DATE.—Subsections (b)(2) and (c)(2) take effect 3 years after the date of enactment of this subsection.''.

SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1), by striking ''Within 6 months after the date of the enactment of this subsection, the'' and inserting ''The'';

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

(3) by striking ''Such guidelines shall address'' and inserting the following:

''(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

''(A) address''; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting ''that non-Federal interests shall adopt and enforce'' after ''policies'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading, by striking ''FLOOD PLAIN'' and inserting ''FLOODPLAIN''; and

(2) in the first sentence, by striking ''flood plain'' and inserting ''floodplain''.

SEC. 213. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.''.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

SEC. 302. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) is amended—

(1) in subsection (a), by striking ''the following'' and all that follows and inserting ''the amounts of project storage that are recommended by the report required under subsection (b).''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: ''and does not significantly impact other authorized project purposes'';

(B) in paragraph (2), by striking ''2000'' and inserting ''2002''; and

(C) in paragraph (3)—

(i) by inserting ''and to what extent'' after ''whether'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) project storage should be reallocated to sustain the tail water trout fisheries.''.

SEC. 303. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1), if the Secretary determines

that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 304. FORT HALL INDIAN RESERVATION, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out planning, engineering, and design of an adaptive ecosystem restoration, flood damage reduction, and erosion protection project along the upper Snake River within and adjacent to the Fort Hall Indian Reservation, Idaho.

(b) PROJECT JUSTIFICATION.—Notwithstanding any other provision of law or requirement for economic justification, the Secretary may construct and adaptively manage for 10 years, at full Federal expense, a project under this section if the Secretary determines that the project—

(1) is a cost-effective means of providing ecosystem restoration, flood damage reduction, and erosion protection;

(2) is environmentally acceptable and technically feasible; and

(3) will improve the economic and social conditions of the Shoshone-Bannok Indian Tribe.

(c) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in subsection (a), the Shoshone-Bannock Indian Tribe shall provide land, easements, and rights-of-way necessary for implementation of the project.

SEC. 305. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

SEC. 306. MORGANZA, LOUISIANA.

The Secretary shall credit toward the non-Federal share of the project costs of the Mississippi River and tributaries, Morganza, Louisiana, to the Gulf of Mexico, project, authorized under section 101(b)(16), the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

SEC. 307. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

SEC. 308. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

SEC. 309. NEW MADRID COUNTY, MISSOURI.

(a) IN GENERAL.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

SEC. 310. PEMISCOT COUNTY HARBOR, MISSOURI.

(a) CREDIT.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that the construction work is integral to the project.

(b) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.

SEC. 311. PIKE COUNTY, MISSOURI.

(a) IN GENERAL.—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are the following:

(1) NON-FEDERAL LAND.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(2) FEDERAL LAND.—8.99 acres located in Pike County, Missouri, known as ''Government Tract Numbers FM–46 and FM–47'', administered by the Corps of Engineers.

(c) CONDITIONS.—The land exchange under subsection (a) shall be subject to the following conditions:

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(3) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

SEC. 312. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) DEFINITIONS.—In this section:

(1) FORT PECK LAKE.—The term ''Fort Peck Lake'' means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) HATCHERY PROJECT.—The term ''hatchery project'' means the project authorized by subsection (d).

(d) AUTHORIZATION.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) COST SHARING.—

(1) DESIGN AND CONSTRUCTION.—

(A) FEDERAL SHARE.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) FORM OF NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) REQUIRED CREDITING.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) COSTS ASSOCIATED WITH THREATENED AND ENDANGERED SPECIES.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) POWER.—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) AVAILABILITY OF FUNDS.—Sums made available under paragraph (1) shall remain available until expended.

SEC. 313. MINES FALLS PARK, NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary may carry out dredging of Mines Falls Park, New Hampshire.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 314. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

SEC. 315. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the ''Passaic River Flood Management Task Force'', to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) MEMBERSHIP.—The task force shall be composed of 20 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 18 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

''(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.''.

(h) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) CONFORMING AMENDMENT.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by striking ''MAIN STEM,'' and inserting ''FLOOD MANAGEMENT PROJECT,''.

SEC. 316. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) IN GENERAL.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled ''Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention'', at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) COST SHARING.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

SEC. 317. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area

constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—Subsection (a) applies to deeds with the following county auditors' file numbers:

(1) Auditor's File Numbers 101244 and 1234170 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

SEC. 318. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.''.

SEC. 319. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except the responsibility described in subsection (d).

(b) RESPONSIBILITIES OF TRINITY RIVER AUTHORITY.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.

(c) PAYMENTS BY CITY.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government $4,290,000 in 2 installments—

(1) 1 installment in the amount of $2,150,000, which shall be due and payable not later than December 1, 2000; and

(2) 1 installment in the amount of $2,140,000, which shall be due and payable not later than December 1, 2003.

(d) OPERATION AND MAINTENANCE COSTS.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.

SEC. 320. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term ''Lake Champlain watershed'' means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 321. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading ''TRANSFER OF FEDERAL TOWNSITES'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz

River, Washington, the flood protection levels specified in the October 1985 report entitled ''Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)'', published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

SEC. 322. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) DEFINITION OF CRITICAL RESTORATION PROJECT.—In this section, the term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) CRITICAL RESTORATION PROJECTS.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the eastern portion of the Strait of Juan de Fuca.

(c) PROJECT SELECTION.—In consultation with the Secretary of the Interior, the Secretary of Commerce, and the heads of other appropriate Federal, tribal, State, and local agencies, the Secretary may—

(1) identify critical restoration projects in the area described in subsection (b); and

(2) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(d) PRIORITIZATION OF PROJECTS.—In prioritizing projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(1) the Salmon Recovery Funding Board;

(2) the Northwest Straits Commission;

(3) the Hood Canal Coordinating Council;

(4) county watershed planning councils; and

(5) salmon enhancement groups.

(e) COST SHARING.—

(1) IN GENERAL.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) CREDIT.—

(A) IN GENERAL.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 323. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) PAYMENTS TO STATE.—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.''.

SEC. 324. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking ''$7,000,000'' and inserting ''$20,000,000''; and

(2) by striking paragraph (4) and inserting the following:

''(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—

''(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and

''(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen.''.

SEC. 325. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 326. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) DEFINITIONS.—In this section:

(1) GREAT LAKE.—

(A) IN GENERAL.—The term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(B) INCLUSIONS.—The term ''Great Lake'' includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) GREAT LAKES COMMISSION.—The term ''Great Lakes Commission'' means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) GREAT LAKES FISHERY COMMISSION.—The term ''Great Lakes Fishery Commission'' has the meaning given the term ''Commission'' in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) GREAT LAKES STATE.—The term ''Great Lakes State'' means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

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

(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) USE OF EXISTING DOCUMENTS.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVITIES.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $8,000,000 for each of fiscal years 2002 through 2006.

SEC. 327. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A), by striking ''50 percent'' and inserting ''35 percent'';

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking ''50 percent'' and inserting ''35 percent''; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c), by striking ''$5,000,000 for each of fiscal years 1998 through 2000.'' and inserting ''$10,000,000 for each of fiscal years 2001 through 2010.''.

SEC. 328. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

''(3) COST SHARING.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent.''; and

(2) in subsection (g)—

(A) by striking ''There is authorized'' and inserting the following:

''(1) IN GENERAL.—There is authorized''; and

(B) by adding at the end the following:

''(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.''.

SEC. 329. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) IN GENERAL.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) PROJECT CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is rendered acceptable for unrestricted open water disposal or beneficial reuse; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 330. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) NEW ENGLAND.—The term ''New England'' means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) MATTERS TO BE ADDRESSED.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) USE OF EXISTING INFORMATION.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October 1, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be determined in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

SEC. 331. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962

(76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1124, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682.300.86, E639,005.80).

TITLE IV—STUDIES

SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary may conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 402. BONO, ARKANSAS.

The Secretary may conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary may conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, Calfornia.

SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary may conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary may conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary may conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary may conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 409. EGMONT KEY, FLORIDA.

The Secretary may conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 410. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary may conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

SEC. 411. BOISE RIVER, IDAHO.

The Secretary may conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

SEC. 412. WOOD RIVER, IDAHO.

The Secretary may conduct a reconnaissance study to determine the Federal interest in carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

SEC. 413. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary may study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 414. BOEUF AND BLACK, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 415. PORT OF IBERIA, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

SEC. 416. SOUTH LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 417. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 418. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) STUDY OF REDESIGNATION AS ANCHORAGE.—The Secretary may conduct a study to determine the feasibility of redesignating as anchorage a portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173).

(b) STUDY OF REAUTHORIZATION.—The Secretary may conduct a study to determine the feasibility of reauthorizing for the purpose of maintenance as anchorage a portion of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), lying adjacent to and outside the limits of the 11-foot channel and the 9-foot channel.

SEC. 419. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary may conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1000 feet.

SEC. 420. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary may conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

SEC. 421. PORT OF GULFPORT, MISSISSIPPI.

The Secretary may conduct a study to determine the feasibility of modifying the

project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

SEC. 422. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary may conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 423. MISSOURI RIVER BASIN, NORTH DAKOTA, SOUTH DAKOTA, AND NEBRASKA.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—In cooperation with the Secretary of the Interior, the State of South Dakota, the State of North Dakota, the State of Nebraska, county officials, ranchers, sportsmen, other affected parties, and the Indian tribes referred to in subsection (c)(2), the Secretary may conduct a study to determine the feasibility of the conveyance to the Secretary of the Interior of the land described in subsection (c), to be held in trust for the benefit of the Indian tribes referred to in subsection (c)(2).

(c) LAND TO BE STUDIED.—The land authorized to be studied for conveyance is the land that—

(1) was acquired by the Secretary to carry out the Pick-Sloan Missouri River Basin Program, authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665); and

(2) is located within the external boundaries of the reservations of—

(A) the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota;

(B) the Standing Rock Sioux Tribe of North Dakota and South Dakota;

(C) the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota;

(D) the Yankton Sioux Tribe of South Dakota; and

(E) the Santee Sioux Tribe of Nebraska.

SEC. 424. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

''SEC. 438. CUYAHOGA RIVER, OHIO.

''(a) IN GENERAL.—The Secretary may—

''(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

''(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

''(b) COST SHARING.—The non-Federal share of the cost of the study shall be 35 percent.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.''.

SEC. 425. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary may conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

SEC. 426. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary may—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

SEC. 427. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary may conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

SEC. 428. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

SEC. 429. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a)—

(A) shall not exceed 25 percent; and

(B) shall be provided in the form of in-kind contributions.

(2) NON-FEDERAL SHARE.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

SEC. 430. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) REQUIRED ELEMENT.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

SEC. 431. CEDAR BAYOU, TEXAS.

The Secretary may conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

SEC. 432. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary may conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

SEC. 433. SAN ANTONIO CHANNEL, TEXAS.

The Secretary may conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

SEC. 434. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) REVIEW.—The Secretary may review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) ISSUES.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

SEC. 435. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary may conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking ''Arkansas River, Arkansas.'' and inserting ''at Fort Smith, Arkansas, on land provided by the city of Fort Smith.''.

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking ''in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi.'' and inserting ''between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.''.

SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the ''Bay-Delta Estuary''), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2005.

SEC. 503. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.

(a) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) MAP.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and

(B) the exact acreage and legal description of the land to be conveyed under this section; and

(2) prepare a map that clearly identifies any land to be conveyed.

(c) CONDITIONS.—The Secretary may—

(1) obtain all necessary easements and rights-of-way; and

(2) impose such terms, conditions, reservations, and restrictions on the conveyance; as the Secretary determines to be necessary to protect the public interest.

(d) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this section.

(e) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.

(f) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

Mr. SMITH of New Hampshire. Mr. President, I am proud to join my colleagues, Senators VOINOVICH and BAUCUS, in the introduction of the Water Resources Development Act of 2000. As many of you know, the administration presented a proposal to Congress in April of this year, which I introduced by request at that time. The bill we introduce today includes a number of the provisions contained in the Administration's request, in addition to those Member requests which met the criteria agreed to by myself, Senator VOINOVICH, the chairman of the Transportation and Infrastructure Subcommittee, and Senator BAUCUS, the ranking member of the Committee.

In responding to questions regarding what projects were included in this bill, I remind my colleagues that it has been the policy of the Committee to authorize only those construction projects that conform with cost-sharing policies established in the Water Resources Development Act of 1986, and amended by subsequent WRDAs. In addition, it has been the policy of the Committee to require projects to have undergone full and final engineering, economic, and environmental review by the Chief of Engineers to ensure that the project is indeed justified.

In ensuring the integrity of the WRDA process, that criteria served as the base to guide us to where we are today. S. xxxx is a responsible bill that provides for the traditional mission of the U.S. Army Corps of engineers and which also recognizes the Corps' expanding presence in the area of environmental restoration. This bill contains 23 authorizations for flood control, navigation, shoreline protection, and environmental restoration projects for which a Chief's Report is expected by the end of the calendar year. In addition, there are approximately 31 project-related modifications and provisions, as well as 35 feasibility studies. While half of the projects in this bill are in the navigation mission, nearly a quarter are dedicated to environmental and ecosystem restoration projects, demonstrating this chairman's belief that the Corps is moving in the right direction. This bill strongly adheres to the fundamental purposes and principles of the Army Corps of Engineers.

This sound bill deserves prompt action by not only the Senate, but our counterparts in the House of Representatives, The number of legislative days left this year is dwindling. If we are to enact water resources legislation prior to adjournment, it will take the full cooperation of both Chambers of Congress and our respected leadership. I look forward to working with my colleagues to move the WRDA process forward as expeditiously as possible.

By Mr. SMITH of New Hampshire (for himself, Mr. BAUCUS, Mr. VOINOVICH, Mr. GRAHAM, and Mr. MACK):

S. 2797. A bill to authorize a comprehensive Everglades restoration plan; to the Committee on Environment and Public Works.

RESTORING THE EVERGLADES, AN AMERICAN LEGACY ACT

Mr. SMITH of New Hampshire. Mr. President, today is a historic day. I am pleased to be joined by Senators GRAHAM, MACK, VOINOVICH, and BAUCUS, in introducing a measure to restore, preserve and protect one of America's unique ecosystems: the Everglades. More than six months ago, I went to Florida and made a promise to the people of that state and this nation. I promised to make Everglades restoration my top priority as the new chairman of the Environment and Public Works Committee. I am proud to say that after many months of hard work, intense negotiation, and through it all, uncompromising dedication, we have before us the bill to restore America's Everglades.

Our bill not only has the support of the two Senators from Florida, the chairman and ranking member of the Environment and Public Works Committee and the chairman of the subcommittee of jurisdiction, it has the support of the State of Florida and the administration. It truly is bipartisan. It truly is historic.

We all know that the Everglades face grave peril, but such dire situations do not always serve to motivate Congress to act, particularly in a presidential election year. The truth of the matter is that the federal government is partially responsible for the condition of the Everglades and it is our obligation to fix what we helped break. The Everglades cannot afford for Congress to delay.

The unintended consequence of the 1948 federal flood control project is the too efficient redirection of water from Lake Okeechobee. Approximately 1.7 billion gallons of water a day is needlessly directed out to sea. The original Central and Southern Florida Project was done with the best of intentions—the federal government simply had to act when devastating floods took thousands of lives prior to the project's construction. Unfortunately, the very success of the Central and Southern Florida Project disrupted the natural sheet

flow of water through the so-called ''River of Grass,'' altering or destroying the habitat for many species of native plants, mammals, reptiles, fish and wading birds.

Well, we are going to recapture that wasted water, store it, and redirect it, when needed, to the natural system in the South Florida ecosystem. It sounds simple, but in actuality, the Comprehensive Everglades Restoration Plan is quite complex and will take 30 years to construct. Each step in the Plan was carefully chosen and the bill my colleagues and I have introduced today represents the first stage of that process.

A project of this size is not without uncertainties. Our bill authorizes four pilot projects to get at some of those unknowns. In addition, this bill authorizes an initial suite of ten construction projects. These projects were carefully selected by the Army Corps of Engineers and the South Florida Water Management District and included in the plan as the projects that would, once constructed, have immediate benefits to the natural system. Almost right away, the plan gets at restoring the natural sheet flow that years of human interference has interrupted.

Our bill goes farther, by authorizing programmatic authority for the Corps and the non-federal sponsor to move forward with critical projects that will have immediate, independent, and substantial benefits to the natural system. Together, these components represent the first phase. The rest of the projects will come to Congress for authorization as part of the biennial Water Resources Development Act.

One of my favorite aspects of the Comprehensive Everglades Restoration Plan is its inherent flexibility. If we learn something new about the ecosystem, perfect our modeling techniques, or just plain see that something isn't working right, through the concept of adaptive management, we can modify the plan based on the new information on hand.

Is this bill expensive? I suppose that depends on your point of view. I am well-known as a fiscal conservative and I certainly do not believe in wasting the taxpayers' money. The total cost of implementing the Comprehensive Everglades Restoration Plan is $7.8 billion dollars. The total cost to the Federal government, however, is $3.9 billion. That's right. The State of Florida is picking up fifty percent of the tab. $3.9 billion over the number of years that this project will be constructed amount to an average of $200 million a year. That is about a can of coke, if you can find the right machine, for each American each year to restore this national treasure. It should be noted that I fully support increasing the budget of the Corps of Engineers so that it can comfortably fund not only this project, but the numerous other meritorious projects within the Corps mission.

I hear my colleagues asking: how do we know the natural system is going to be the primary beneficiary of the water made available by this project? I'll tell you how. Our bill contains painstakingly negotiated ''assurances language'' that provide the mechanism by which water is reserved and allocated for the natural system. The Secretary of the Army and Governor of the State of Florida will enter into an up-front, binding agreement that will ensure that water available from the plan will be available for the natural system. Furthermore, the Secretary of the Army, in concurrence with the Governor of the State of Florida and the Secretary of the Interior will promulgate programmatic regulations to ensure that the goals and purposes of the Comprehensive Everglades Restoration Plan are achieved.

I repeat for the benefit of my colleagues, this bill has the support of the State of Florida, the administration, and a bipartisan group of co-sponsors. This truly is a remarkable feat that deserves recognition by the Senate in the form of swift passage.

I am afraid too often people forget that the Everglades is a national environmental treasure. Restoration benefits not only Floridians, but the millions of us who visit Florida each year to behold this unique ecosystem. We need to view our efforts as our legacy to future generations, as my dear friend and predecessor, the late John Chafee so exemplified. Many years from now, I hope that this Congress will be remembered for putting aside partisanship, politics, self-interest and short-term thinking by answering the call and saving the Everglades while we still had the chance.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2797

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restoring the Everglades, An American Legacy Act''.

SEC. 2. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term ''Central and Southern Florida Project'' includes any modification to the project authorized by this Act or any other provision of law.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term ''natural system'' means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term ''natural system'' includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term ''Plan'' means the Comprehensive Everglades Restoration Plan contained in the ''Final Integrated Feasibility Report and Programmatic Environmental Impact Statement'', dated April 1, 1999, as modified by this Act.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term ''South Florida ecosystem'' means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term ''South Florida ecosystem'' includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term ''State'' means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this Act, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to—

(i) restore, preserve and protect the South Florida ecosystem;

(ii) provide for the protection of water quality in, and the reduction of the loss of fresh water from, the Everglades; and

(iii) provide for the water-related needs of the region, including—

(I) flood control;

(II) the enhancement of water supplies; and

(III) other objectives served by the Central and Southern Florida Project.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D) and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions in subparagraph (D), at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs–Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C-9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project or the Central Lakebelt Storage Project until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE FEDERAL COST.—The total Federal cost of all projects carried out under this subsection shall not exceed $206,000,000

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under any programs such as the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose.

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER TREATMENT.—

(A) IN GENERAL.—On completion and evaluation of the wastewater treatment pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater treatment in meeting, in a cost effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater treatment is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this Act, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—No appropriation shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State, shall ensure, by regulation or other appropriate means, that water made available under the Plan for the restoration of the natural system is available as specified in the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the President or the Governor to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the President or the Governor, as the case may be, to comply with the agreement, or for other appropriate relief.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) other Federal, State, and local agencies;

promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONTENT OF REGULATIONS.—Programmatic regulations promulgated under this paragraph shall establish a process to—

(i) provide guidance for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(ii) ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan;

(iii) ensure the protection of the natural system consistent with the goals and purposes of the Plan; and

(iv) include a mechanism for dispute resolution to resolve any conflicts between the Secretary and the non-Federal sponsor.

(C) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(D) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) EXISTING WATER USERS.—The Secretary shall ensure that the implementation of the Plan, including physical or operational modifications to the Central and Southern Florida Project, does not cause significant adverse impact on existing legal water users, including—

(i) water legally allocated or provided through entitlements to the Seminole Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(ii) the Miccosukee Tribe of Indians of Florida;

(iii) annual water deliveries to Everglades National Park;

(iv) water for the preservation of fish and wildlife in the natural system; and

(v) any other legal user, as provided under Federal or State law in existence on the date of enactment of this Act.

(B) NO ELIMINATION.—Until a new source of water supply of comparable quantity and quality is available to replace the water to be lost as a result of implementation of the Plan, the Secretary shall not eliminate existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) Everglades National Park; or

(v) the preservation of fish and wildlife.

(C) MAINTENANCE OF FLOOD PROTECTION.—The Secretary shall maintain authorized levels of flood protection in existence on the date of enactment of this Act, in accordance with current law.

(D) NO EFFECT ON STATE LAW.—Nothing in this Act prevents the State from allocating or reserving water, as provided under State law, to the extent consistent with this Act.

(E) NO EFFECT ON TRIBAL COMPACT.—Nothing in this Act amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the State, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the State of Florida that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(j) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(k) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h); and

(2) a review of the activities performed by the Secretary under subsection (j) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

Mr. GRAHAM. Mr. President, today I rise with my colleagues, Senator SMITH of New Hampshire, Senator BAUCUS, Senator VOINOVICH, and Senator MACK, to introduce legislation to restore America's Everglades. The diversity of this group speaks volumes about the national commitment to restoring America's Everglades.

The Everglades is sick. We need to perform the surgery to make it well. Since the passage of the Central and South Florida Flood Control Project in 1948, nearly half of the original Everglades has been drained or otherwise altered. According to the National Parks and Conservation Association, the national parks and preserves contained in the Everglades are among the ten most endangered in the nation.

In 1983, when I was Governor, Florida launched an effort—known as Save Our Everglades—to revitalize this precious ecosystem. Our goal was simple. By the end of our efforts, we wanted the Everglades to look and function more like it had in 1900 than it did in 1983. Back then, restoring the natural health and function of this precious ecosystem seemed like a distant dream. But after seventeen years of bipartisan progress in the context of a strong federal-state partnership, we now stand on the brink of seeing that dream become reality.

I want to speak for a moment about that federal-state partnership. I often compare this unique partnership to a marriage—if both partners respect each other, and pledge to work through any challenges together, the marriage will be strong and successful. Today, we are again celebrating the strength of that marriage, and this legislation contains several provisions born out of the respect that sustains this marriage.

For example, it requires that the Federal Government pay half of the costs of operations and maintenance. It offers assurances to both the Federal and State governments regarding the use and distribution of water in the Everglades ecosystem. Everglades restoration can't work unless the executive branch, Congress, and State government move forward hand-in-hand.

I look forward to working with my colleagues, the administration, the State, and stakeholders in this project to continue that cooperation and achieve the historic goal of preserving the Everglades for our children and grandchildren.

Mr. MACK. Mr. President, I rise today in strong support for the Everglades restoration bill introduced today by my friend, and chairman of the Environment and Public Works Committee, Senator BOB SMITH. This bill represents a tremendous amount of effort and hard work and I am grateful to all my colleagues who have joined Senator GRAHAM and me in this effort.

Today is an important day in the nearly twenty-year process of restoring America's Everglades. It is important because we are standing at last at the historic juncture between planning and action. It is important because now—at long last—we have a realistic chance of restoring, and protecting for future generations, a unique environmental treasure that is fractured, starved for water, and locked in a steady state of decline. And it is important because the bill we're introducing today represents the cumulative efforts of all those who did the work on the largest and most significant environmental restoration project in our nation's history.

Why does this bill matter? Why are the Everglades deserving of Congress' time and effort? Let me offer a few reasons. This bill matters because in the last century a wonderful, pristine natural system in the heart of South Florida was systematically robbed of its beauty and uniqueness in the name of short-term human interest. This bill matters because the America's Everglades is a national treasure, unique in the world, and deserving of a better fate than what is currently written for it in the laws of this country. Our bill matters because we Floridians—after years of acrimony and conflicting goals—have come together behind a balanced plan that fully reconciles the needs of the natural system with those

of the existing water users. And the restoration matters—to us, as legislators—because past Congresses caused this problem, and we in our generation should fix it.

It has been well documented how the Congress in 1948—acting under the pressures of the day—authorized the systematic destruction of the Everglades in the name of flood control, urban development, and agriculture. That is history and we cannot change that. Instead, we must respond to the needs and priorities of our own generation, and pass this good bill to restore America's Everglades.

Let's be clear, Mr. President. Passing this bill, this year, is all that remains between the long years of study and the actual restoration of America's Everglades. The administration has done their part in devoting a tremendous amount of time and effort on the document before you. To Governor Bush's credit, the State of Florida has already written this plan into Florida's laws and arranged funding for Florida's share of the cost. There is only one task remaining: we in Congress must pass this plan, this year, and let the work of restoration begin.

I urge my colleagues to join with me in supporting the bill we're introducing today. Thank you, Mr. President. I yield the floor.

By Mr. ALLARD:

S. 2798. A bill to amend the Federal Deposit Insurance Act to require periodic cost-of-living adjustments to the amount of deposit insurance coverage available under that Act; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSIT AND SHARE INSURANCE ADJUSTMENT ACT OF 2000

Mr. ALLARD. Mr. President, today I am introducing the Federal Deposit and Share Insurance Adjustment Act of 2000.

This bill will insure that the value of Federal Deposit and Share Insurance is not eroded by inflation and remains at a steady value of $100,000. This legislation will help consumers to retain their confidence in financial institutions and will provide a constant level of security to depositors.

I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 2798

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Deposit and Share Insurance Adjustment Act of 2000''.

SEC. 2. PERIODIC ADJUSTMENTS TO MAXIMUM AMOUNT OF DEPOSIT INSURANCE COVERAGE.

Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended, by striking subparagraph (B) and inserting the following:

''(B) NET AMOUNT OF INSURED DEPOSIT.—

''(i) IN GENERAL.—Subject to the adjustments to be made pursuant to clause (ii), the net amount due to any depositor under this Act at an insured depository institution shall not exceed $100,000, as determined in accordance with this subparagraph and subparagraphs (C) and (D).

''(ii) ADJUSTMENTS.—For the calendar year commencing January 1, 2001, and for each subsequent 3-year period, the maximum net amount due to any depositor at an insured depository institution under clause (i) shall be increased by an amount equal to—

''(I) $100,000; multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986, for such calendar year, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(iii) ROUNDING.—If the amount determined under clause (ii) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(iv) NOTICE.—Not later than January 15 of the first year of each 3-year period referred to in clause (ii), commencing January 15, 2001, the Board of Directors shall cause to be published in the Federal Register the maximum net amount due to any depositor at an insured depository institution for the ensuing 3-year period.''.

SEC. 3. PERIODIC ADJUSTMENTS TO MAXIMUM AMOUNT OF SHARE INSURANCE COVERAGE.

Section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)) is amended—

(1) by striking ''(1) Subject'' and inserting the following: ''INSURED AMOUNTS.—

''(1) DEFINITION OF 'INSURED ACCOUNT'.—

''(A) IN GENERAL.—Subject'';

(2) by inserting '', subject to the adjustments made pursuant to subparagraph (B)'' after ''$100,000''; and

(3) by adding at the end the following:

''(B) ADJUSTMENTS.—

''(i) IN GENERAL.—For the calendar year commencing January 1, 2001, and for each subsequent 3-year period, the $100,000 amount referred to in subparagraph (A) shall be increased by an amount equal to—

''(I) $100,000; multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986, for such calendar year, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If the amount determined under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(iii) NOTICE.—Not later than January 15 of the first year of each 3-year period referred to in clause (ii), commencing January 15, 2001, the Board shall cause to be published in the Federal Register the maximum net amount due with respect to any member account at an insured credit union for the ensuing 3-year period.''.

SEC. 4. CONFORMING AMENDMENTS.

(a) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(1) in paragraph (2)(A), in the matter following clause (v), by striking ''$100,000 per account in an amount not to exceed $100,000 per account'' and inserting ''the amount determined in accordance with paragraph (1)(B) per account''; and

(2) in paragraph (3)(A)(iii), by striking ''$100,000'' and inserting ''the amount determined in accordance with paragraph (1)(B)''.

(b) FEDERAL CREDIT UNION ACT.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(1) in paragraph (2)(A), in the matter following clause (v), by striking ''in an amount not to exceed $100,000 per account'' and inserting ''the amount determined in accordance with paragraph (1)(B) per account''; and

(2) in paragraph (3), by striking ''in the amount of $100,000 per account'' and inserting ''in an amount not to exceed the amount determined in accordance with paragraph (1)(B) per account''.

By Mr. MURKOWSKI (for himself, Mr. ABRAHAM, and Mr. CAMPBELL):

S. 2799. A bill to allow a deduction for Federal, State, and local taxes on gasoline, diesel fuel, or other motor fuel purchased by consumers between July 1, 2000, and December 31, 2000; to the Committee on Finance.

EMERGENCY FUEL TAX ACT OF 2000

Mr. MURKOWSKI. Mr. President, I am joined by Senator CAMPBELL and Senator ABRAHAM today in introducing legislation that will ease the burden that the American motorist is facing every time he or she fills up at the gas pump. Those of us who are going to the gas pumps lately know that we are starting to see gas prices at an all-time high. We have never had gas prices approaching $1.75, which is the standard price for regular gasoline in the United States today.

Our legislation recognizes that many consumers are facing a gasoline emergency. They use their cars to get to work, drive to day care, and take their children to summer school. Suddenly they are finding that filling up the family car's gas tank is costing $50 to $70 or even $100 in some parts of the country. And in an America where the Clinton-Gore administration has done its best for seven years to increase America's dependence on OPEC, the American public was lulled by the Administration into believing that gas prices would always remain stable and cheap. The result: Nearly 50 percent of all vehicles sold are low-mileage sport utility vehicles (SUVs).

Earlier this year, I co-sponsored legislation that would have temporarily repealed the 4.3 cent gas tax increase that was enacted in 1993 with Vice President AL GORE's tie-breaking vote. Many Senators expressed concern that a temporary repeal of the tax would affect the highway construction program. Although our legislation resolved that problem, all Democrats and a few Republicans rejected providing gas tax relief and the measure was defeated.

This is a new concept in one sense. But it does not establish a precedent. The bill I am introducing is to temporarily reduce the burden of all gasoline taxes on the American motorist. The bill will allow individuals and families to take an above-the-line deduction on their income that they pay taxes on for gasoline taxes incurred between July 1 and December 31 of the year 2000. This means every taxpayer who drives will be able to take advantage of the tax deduction from his or her income tax.

The deduction of gasoline taxes is not a new idea. Up until 1978, motorists could deduct the State and local gasoline taxes if they itemized those taxes.

Legislation I have introduced today goes a step further by also permitting the deduction of Federal gasoline taxes, and it is an inclusive tax deduction since it will allow itemizers and nonitemizers to claim these taxes.

For example, if we adopt this measure, and a family in my State of Alaska has a car that gets 20 miles per gallon and they drive perhaps 9,000 miles in the next 6 months, they will get a $118 tax deduction; the same family in Michigan will get a $195 tax deduction; a family in Colorado will receive a $181 tax deduction.

Some detractors say citizens will have to itemize returns. Most people go to self-service gas stations where a receipt is provided. I think most Americans would welcome this $195 or $181 tax deduction. I don't think it is too much to ask motorists.

The IRS will surely draft some easy-to-use tables that will list by State the total gasoline tax burden. I have an example of what the tables look like. I ask unanimous consent that gas tax tables prepared by the American Petroleum Institute be printed in the RECORD.

Mr. MURKOWSKI. Mr. President, the average national price of unleaded regular gasoline is anywhere from $1.70 to $1.80 today. This weekend begins the summer driving season. Gasoline prices could well go above $2 a gallon in many parts of the country. As we know, they are already over $2.30 in Chicago, Milwaukee, and other areas.

Our proposal is a modest attempt to help the American family cope with these extraordinary price rises. This isn't going to solve the problem of high gasoline prices. We could have solved that problem 5 or 6 years ago if we would have adopted the 1995 budget which permitted drilling in America's most promising new oil area, the sliver of the Arctic Coastal Plain, but President Clinton vetoed that bill, surely with the concurrence of Vice President GORE. So today we are dependent as never before on imported oil. The result is the record gasoline prices.

I ask unanimous consent the text of the Emergency Fuel Act of 2000 and the previously referenced tax tables be printed in the RECORD.

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

S. 2799

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

SECTION 1. SHORT TITLE.

This Act may be cited as the Emergency Fuel Tax Act of 2000.

SEC. 2. TEMPORARY INCOME TAX DEDUCTION FOR FEDERAL, STATE, AND LOCAL FUELS TAXES.

(a) ALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—In the case of the retail sale of gasoline, diesel fuel, or other motor fuel after June 30, 2000, and before January 1, 2001, there shall be allowed to the purchaser a deduction under section 164 of the Internal Revenue Code of 1986 in an amount equal to the Federal, State, and local taxes on the sale.

(2) DEDUCTION ALLOWED TO NONITEMIZERS.—The deduction under subsection (a) shall be taken into account in computing adjusted gross income under section 62 of such Code.

(b) TAXES IMPOSED OTHER THAN AT RETAIL.—For purposes of subsection (a), any tax on any gasoline, diesel fuel, or other motor fuel which is imposed other than on the retail sale shall be treated as having been imposed on such sale and as having been paid by the purchaser.

(c) GUIDELINES.—The Secretary of the Treasury shall establish such procedures (including the publication of tables where appropriate) as are necessary to enable taxpayers to determine the amount of taxes for which a deduction is allowed under subsection (a).

(d) MOTOR FUEL.—For purposes of this section, the term ''motor fuel'' means any motor fuel subject to tax under subtitle D of the Internal Revenue Code of 1986.

GASOLINE TAXES STATE-BY-STATE, 1998

State	State excise tax [1]	Other State taxes [2]	Total State taxes	Total Federal & State taxes [3]
Alabama	16.0	3.4	19.4	37.7
Alaska	8.0	0	8.0	26.3
Arizona	18	1.0	19.0	37.3
Arkansas	18.5	0.2	18.7	37.0
California	18.0	9.2	27.2	45.5
Colorado	22.0	0	22.0	40.3
Connecticut	32.0	3.1	35.1	53.4
Delaware	23.0	0	23.0	41.3
Dist. of Columbia	20.0	0	20.0	38.3
Florida	13.0	15.1	28.1	46.4
Georgia	7.5	3.4	10.9	29.2
Hawaii	16.0	20.4	36.4	54.7
Idaho	25.0	0	25.0	43.3
Illinois	19.0	5.2	24.2	42.5
Indiana	15.0	3.6	18.6	36.9
Iowa	20.0	1.0	21.0	39.3
Kansas	18.0	1.0	19.0	37.3
Kentucky	15.0	1.4	16.4	34.7
Louisiana	20.0	0	20.0	38.3
Maine	19.0	0	19.0	37.3
Maryland	23.5	0	23.5	41.8
Massachusetts	21.5	0	21.5	39.8
Michigan	19.0	6.1	25.1	43.4
Minnesota	20.0	2.0	22.0	40.3
Mississippi	18.0	2.4	20.4	38.7
Missouri	17.0	0	17.0	35.3
Montana	27.0	0.8	27.8	46.1
Nebraska	23.5	0.9	24.4	42.7
Nevada	23.0	10.0	33.0	51.3
New Hampshire	18.0	1.7	19.7	38.0
New Jersey	10.5	4.0	14.5	32.8
New Mexico	17.0	1.0	18.0	36.3
New York	8.0	22.4	30.4	48.7
North Carolina	21.6	0.3	21.9	40.2
North Dakota	20.0	0	20.0	38.3
Ohio	22.0	0	22.0	40.3
Oklahoma	16.0	1.0	17.0	35.3
Oregon	24.0	0	24.0	42.3
Pennsylvania	12.0	14.3	26.3	44.6
Rhode Island	28.0	1.0	29.0	47.3
South Carolina	16.0	0.8	16.8	35.1
South Dakota	21.0	2.0	23.0	41.3
Tennessee	20.0	1.4	21.4	39.7
Texas	20.0	0	20.0	38.3
Utah	24.0	0.5	24.5	42.8
Vermont	19.0	1.0	20.0	38.3
Virginia	17.5	0.7	18.2	36.5
Washington	23.0	0	23.0	41.3
West Virginia	20.5	4.9	25.4	43.7
Wisconsin	25.4	3.0	28.4	46.7
Wyoming	13.0	1.0	14.0	32.3
U.S. averaged [4]	17.8	4.8	22.6	40.9

[1] State excise taxes represent rates effective as of July 1998.

[2] Largely excludes local taxes which are estimated to average approximately 2 cents per gallon nationwide. However, some local county taxes in Alabama, California, Florida, Hawaii, Nevada, New York, and Virginia are included. Includes state sales taxes, gross receipts taxes, and underground storage tank taxes. State sales taxes, expressed in cents per gallon, are based on selected city average retail gasoline prices as of April 1998. See notes to tax tables for individual states.

[3] Includes 18.3 cents per gallon federal excise tax and volume-weighted average U.S. total state taxes.

[4] Represents the average of state tax rates multiplied by state gasoline consumption records.

Sources: API Field Operations Issues Support, ''State Gasoline and Diesel Excise Taxes, July 1998,'' the Federal Highway Administration, ''Monthly Motor Fuel Reported by States''; and the U.S. Energy Information Administration, ''Motor Gasoline Watch.'' and ''On-Highway Diesel Retail Prices.'' American Petroleum Institute.

Gasoline taxes ranked by State

[Figures by cents]

Hawaii	54.8
Connecticut	53.5

Gasoline taxes ranked by State—Continued

Nevada	51.4
New York	48.8
Rhode Island	47.4
Wisconsin	46.8
Florida	46.5
Montana	46.2
California	45.6
Pennsylvania	44.7
West Virginia	43.8
Michigan	43.5
Idaho	43.4
Utah	42.9
Nebraska	42.8
Illinois	42.6
Oregon	42.4
Maryland	41.9
Washington	41.4
South Dakota	41.4
Delaware	41.4
Ohio	40.4
Minnesota	40.4
Colorado	40.4
North Carolina	40.3
Massachusetts	39.9
Tennessee	39.8
Iowa	39.4
Mississippi	38.8
Vermont	38.4
Texas	38.4
North Dakota	38.4
Louisiana	38.4
Dist. of Columbia	38.4
New Hampshire	38.1
Alabama	37.8
Maine	37.4
Kansas	37.4
Arizona	37.4
Arkansas	37.1
Indiana	37.0
Virginia	36.6
New Mexico	36.4
Oklahoma	35.4
Missouri	35.4
South Carolina	35.2
Kentucky	34.8
New Jersey	32.9
Wyoming	32.4
Georgia	29.3
Alaska	26.4

By Mr. LAUTENBERG (for himself and Mr. CRAPO):

S. 2800. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system; to the Committee on Environment and Public Works.

THE STREAMLINED ENVIRONMENTAL REPORTING AND POLLUTION PREVENTION ACT OF 2000

● Mr. LAUTENBERG. Mr. President, I am pleased to introduce bipartisan legislation, the Streamlined Environmental Reporting and Pollution Prevention Act of 2000, with Senator CRAPO, my colleague on the Environment and Public Works Committee, as an original cosponsor.

This bill will require the U.S. Environmental Protection Agency (EPA) to give businesses one point of contact for all federal environmental reporting requirements, and to otherwise minimize the administrative burdens of environmental reporting. This ''one-stop'' reporting system will use a common nomenclature throughout and use language understandable to business people, not just to environmental specialists. Its electronic version will also provide pollution prevention information to the business. The bill will also

give each State, tribal, or local agency the option of reporting information to one point of contact at EPA, which will facilitate their efforts to streamline environmental reporting.

Mr. President, a law streamlining environmental reporting will obviously benefit industry. It will be of great environmental benefit as well. High-quality environmental information is the foundation of environmental policymaking. Unfortunately, there are significant gaps and inaccuracies in the environmental information reported by businesses today. This is because environmental reporting currently involves scouring several different EPA offices for the applicable requirements, and then mastering a bewildering variety of reporting formats and regulatory nomenclatures. Reducing needless complications, as our bill does, will increase compliance with reporting programs and improve the accuracy of the information reported.

In addition to improving environmental information, a law streamlining environmental reporting will help businesses prevent pollution at the source. Mainstream business decision-makers—those who design the business's product, decide how to make it, manufacture it, and instruct customers in its use—inadvertently make the vast majority of environmental decisions at the business. When a business designs its product and the process for manufacturing the product, it is locking in its major environmental impacts. Streamlining environmental reporting will make it easier for mainstream business decision-makers to understand their environmental obligations. This will make it easier to incorporate environmental considerations into the design of products and production processes, and instructions on their use—that is, preventing pollution at the source.

This bill is endorsed by the National Federation of Independent Businesses, the Printing Industries of America, the National Association of Metal Finishers, the American Electroplaters and Surface Finishers Society, the Metal Finishing Suppliers Association, the U.S. Public Interest Research Group, Environmental Defense, the National Environmental Trust, and the National Pollution Prevention Roundtable. I ask unanimous consent that their statements of support, the text of the bill, and a section-by-section summary of the bill be entered into the RECORD.

Mr. President, this is a bipartisan win-win bill that will be good for U.S. industry and good for the environment. I urge my colleagues to join Senator CRAPO and me in supporting this legislation.

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

S. 2800

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Streamlined Environmental Reporting and Pollution Prevention Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) INTEGRATED REPORTING SYSTEM.—The term ''integrated reporting system'' means the integrated environmental reporting system established under section 3.

(3) PERSON.—The term ''person'' means an individual, trust, firm, joint stock company, corporation, partnership, or association, or a facility owned or operated by the Federal Government or by a State, tribal government, municipality, commission, or political subdivision of a State.

(4) REPORTING REQUIREMENT.—

(A) IN GENERAL.—The term ''reporting requirement'' means—

(i) a routine, periodic, environmental reporting requirement; and

(ii) any other reporting requirement that the Administrator may by regulation include within the meaning of the term.

(B) EXCLUSIONS.—The term ''reporting requirement'' does not include—

(i) the reporting of information relating to an emergency, except for information submitted as part of a routine periodic environmental report, and except for the purpose specified in subparagraph (C); or

(ii) the reporting of information to the Administrator relating only to business transactions (and not to environmental or regulatory matters) between the Administrator and a person, including information provided—

(I) in the course of fulfilling a contractual obligation between the Administrator and the reporting person; or

(II) in the filing of financial claims against the Administrator.

(C) CERTAIN DATA STANDARDS FOR REPORTING OF INFORMATION RELATING TO AN EMERGENCY.—The Administrator shall implement data standards under section 3(b)(5)(A) for the reporting of information relating to emergencies.

SEC. 3. INTEGRATED REPORTING SYSTEM.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Administrator shall integrate and streamline the reporting requirements established under laws administered by the Administrator for each person subject to those reporting requirements—

(1) in accordance with subsection (b);

(2) to the extent not explicitly prohibited by Act of Congress; and

(3) to the extent consistent with the preservation of the integrity, reliability, and security of the data reported.

(b) COMPONENTS OF REPORTING SYSTEM.—In establishing the integrated reporting system, to ensure consistency and facilitate use of the system, the Administrator shall—

(1) allow each person required to submit information to the Administrator under reporting requirements administered by the Administrator to report the information to 1 point of contact—

(A) using a single electronic system or paper form; and

(B) in the case of an annual reporting requirement, at 1 time during the year;

(2)(A) allow each State, tribal, or local agency that has been authorized or delegated authority to implement a law administered by the Administrator to report information regarding any person subject to the law, as required under the law (including a regulation), agreement, or other instrument, authorizing or delegating the authority, to report to 1 point of contact—

(i) using a single electronic system; and

(ii) in the case of an annual reporting requirement, at 1 time during each year; and

(B) provide each State, tribal, or local agency that reports through the integrated reporting system full access to the data reported to the Administrator through the system;

(3) provide a reporting person, upon request, full access to information reported by the person to the Administrator, or to any State, tribal, or local agency that was subsequently reported to the Administrator, in a variety of formats that includes a format that the person may modify by incorporating information applicable to the current reporting period and then submit to the Administrator to comply with a current reporting requirement;

(4)(A) consult with heads of other Federal agencies to identify environmental or occupational safety or health reporting requirements that are not administered by the Administrator; and

(B) as part of the electronic version of the integrated reporting system, post information that provides direction to the reporting person in—

(i) identifying requirements identified under subparagraph (A) to which the person may be subject; and

(ii) locating sources of information on those requirements;

(5) in consultation with a committee of representatives of State and tribal governments, reporting persons, environmental groups, information technology experts, and other interested parties (which, at the discretion of the Administrator, may occur through a negotiated rulemaking under subchapter IV of chapter 5 of title 5, United States Code), implement, and update as necessary, in each national information system of the Environmental Protection Agency that contains data reported under the reporting system established under this Act, data standards for—

(A) the facility site (including a facility registry identifier), geographic coordinates, mailing address, affiliation, organization, environmental interest, industrial classification, and individuals that have management responsibility for environmental matters at the facility site;

(B) units of measure;

(C) chemical, pollutant, waste, and biological identification; and

(D) other items that the Administrator considers to be appropriate;

(6) in consultation with the committee referred to in paragraph (5), implement, and update as necessary, a nomenclature throughout the integrated reporting system that uses terms that the Administrator believes are understandable to reporting persons that do not have environmental expertise;

(7) consolidate reporting of data that, but for consolidation under this paragraph, would be required to be reported to the integrated reporting system at more than 1 point in the same data submission;

(8) provide for applicable data formats and submission protocols, including procedures for legally enforceable electronic signature in accordance with the Government Paperwork Elimination Act (44 U.S.C. 3504 note) that, as determined by the Administrator—

(A) conform, to the maximum extent practicable, with public-domain standards for electronic commerce;

(B) are accessible to a substantial majority of reporting persons; and

(C) provide for the integrity and reliability of the data reported sufficient to satisfy the legal requirement of proof beyond a reasonable doubt;

(9) establish a National Environmental Data Model that describes the major data types, significant attributes, and interrelationships common to activities carried out by the Administrator and by State, tribal, and local agencies (including permitting, compliance, enforcement, budgeting, performance tracking, and collection and analysis of environmental samples and results), which the Administrator shall—

(A) use as the framework for databases on which the data reported to the Administrator through the integrated system shall be kept; and

(B) allow other Federal agencies and State, tribal, and local governments to use;

(10) establish an electronic commerce service center, accessible through the point of contact established under paragraph (1), to provide technical assistance, as necessary and feasible, to each person that elects to submit applicable electronic reports;

(11) provide each reporting person access, through the point of contact established under paragraph (1), to scientifically sound, publicly available information on pollution prevention technologies and practices;

(12) at the discretion of the Administrator, develop, within the reporting system, different methods by which the reporting person may electronically provide the required information, in order to facilitate use of the system by different sectors, sizes, and categories of reporting persons;

(13) provide protection of confidential business information or records as defined under section 552a of title 5, United States Code, so that each reported item of data receives protection equivalent to the protection that item of data would receive if the item were reported to the Administrator through means other than the integrated reporting system;

(14) develop (or cause to be developed), and make available free of charge through the Internet, software for use by the reporting person that, to the maximum extent practicable, assists the person in assembling necessary data, reporting information, and receiving information on pollution prevention technologies and practices as described in paragraph (9); and

(15) provide a mechanism by which a reporting person may, at the option of the reporting person, electronically transfer information from the data system of the reporting person to the integrated reporting system through the use, in the integrated reporting system, of—

(A) open data formats (such as the ASCII format); and

(B) a standard that enables the definition, transmission, validation, and interpretation of data by software applications and by organizations through use of the Internet (such as the XML standard).

(c) SCOPE OF DATA STANDARDS AND NOMENCLATURE.—The data standards and nomenclature implemented and updated under paragraphs (5) and (6) of subsection (b) shall not affect any regulatory standard or definition in effect on the date of enactment of this Act, except to the extent that the Administrator amends, by regulation, the standard or definition.

(d) USE OF REPORTING SYSTEM.—Nothing in this Act requires that any person use the integrated reporting system instead of an individual reporting system.

SEC. 4. INTERAGENCY COORDINATION.

(a) IN GENERAL.—At the request of any Federal, State, tribal, or local agency, the Administrator shall coordinate the integration of reporting required under section 3 with similar efforts by the agency that, as determined by the Administrator, are consistent with this Act.

(b) INTEGRATED REPORTING ACROSS JURISDICTIONS.—Under subsection (a), the Administrator may develop a procedure under which a person that is required to report information under 1 or more laws administered by the Administrator and 1 or more laws administered by a State, tribal, or local agency may report all required information—

(1) through 1 point of contact using a single electronic system or paper form; and

(2) in the case of an annual reporting requirement, at 1 time each year.

(c) COMMON DATA FORMAT ACROSS JURISDICTIONS.—To facilitate reporting by persons with facilities in more than 1 State, tribal, or local jurisdiction, the Administrator shall encourage the use of a common data format by any State, tribal, or local agency coordinating with the Administrator under subsection (a).

(d) PROVISION OF INFORMATION.—At the request of the Administrator, the head of a Federal department or agency shall provide to the Administrator information on reporting requirements established under a law administered by the agency.

(e) SELECTIVE USE OF INTEGRATED REPORTING SYSTEM.—The Administrator may design the integrated system to allow a reporting person to use the integrated reporting system for some purposes and not for others.

SEC. 5. REGULATIONS.

The Administrator may promulgate such regulations as are necessary to carry out this Act.

SEC. 6. REPORTS.

Not later than 2 years after the date of enactment of this Act, if the Administrator determines that 1 or more provisions of law explicitly prohibit or hinder the integration of reporting and other actions required under this Act, the Administrator shall submit to Congress a report identifying those provisions.

SEC. 7. SAVINGS CLAUSE.

(a) IN GENERAL.—Nothing in this Act limits, modifies, affects, amends, or otherwise changes, directly or indirectly, any provision of Federal or State law or the obligation of any person to comply with any provision of law.

(b) EFFECT.—Neither this Act nor the integrated reporting system shall alter or affect the obligation of a reporting person to provide the information required under any reporting requirement.

(c) REPORTING.—Nothing in this Act authorizes the Administrator to require the reporting of information that is in addition to, or prohibit the reporting of, information that is reported as of the day before the date of enactment of this Act.

NFIB,
Washington, DC, February 11, 2000.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the 600,000 small business owners that make up the National Federation of Independent Business (NFIB), I would like to express support for the ''Streamlined Environmental Reporting and Pollution Prevention Act of 2000.''

The 1996 Code of Federal Regulations, which is the annual listing of agency regulations, takes up 204 volumes with a total of 132,112 pages. According to research conducted by the Small Business Administration, small businesses bear 63 percent of the total regulatory burden. It is no wonder that a 1996 NFIB Education Foundation Study ranked unreasonable government regulations and federal paperwork burdens as two of the top ten problems facing small business.

Simplying this complex system of regulations is a priority for NFIB. As you know, we set our positions on matters of public policy by regularly polling our membership. When we asked small business owners whether they would support the creation of a short-form reporting system, 81 percent of our members said, ''yes.''

A group of small business owners that are NFIB members reviewed your proposed legislation and they were particularly pleased with the following:

The shift to a one time annual reporting requirement will save valuable time and money.

The legislation wisely extends the benefits of a simplified reporting system to small business owners that do not have the capability of reporting electronically.

The requirement that information on new methods and technology be made available to assist in pollution prevention efforts will be helpful to small business owners that do not have direct access to research and development programs.

The requirement that the U.S. environmental protection Agency (EPA) shift to using common chemical identifiers and a common nomenclature will be helpful.

Your legislation provides the EPA with a much-needed push towards simpler regulatory requirements. I hope that you find our comments helpful, and I look forward to working with you on this bill and other efforts that will make it easier for small business owners to comply with environmental laws.

Sincerely,

DAN DANNER,
Senior Vice President,
Federal Public Policy.

PRINTING INDUSTRIES OF AMERICA, INC.,
Alexandria, VA, March 8, 2000.

Senator FRANK LAUTENBERG,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Printing Industries of America, we wish to express our support for the ''Streamlined Environmental Reporting and Pollution Prevention Act of 2000.'' We believe that this legislation is a win-win for the environment and the economy, and we look forward to working with you to enact this legislation during the 106th Congress.

As a trade association representing thousands of small printers, we believe the vast majority of small businesses want to do the right thing by the environment, but often they simply do not know what is required of them. This legislation establishes a mandatory duty on the EPA Administrator to develop a way for businesses to fulfill all of their annual reporting obligation in a single electronic filing. While there are no guarantees, we believe this mandate will set in motion a process that leads to simplified reporting and fewer duplicative request for information. By simplifying reporting requirements, more small businesses will understand their reporting and compliance obligations, and we can achieve our dual goals of easing regulatory burdens and improving the environment.

The proposed legislation also contains important protections that should address potential concerns stakeholders. For example, statutory impediments to integrated reporting are not repealed, but EPA must identify such provisions within two years of enactment. Businesses who choose to report on paper or under the current system can continue to do so. A state or local agency can maintain its separate reporting requirements, or it can request EPA to collect its data requirements on the EPA reporting system. Existing protections for confidential business information are maintained. Overall, we believe this legislation is carefully tailored to address a real problem, while

avoiding unnecessary controversy. We believe this is legislation that can and should be enacted this year.

Once again, thank you for your leadership in introducing this legislation.

Sincerely,

BENJAMIN Y. COOPER,
Vice-President of Government Affairs.

NATIONAL ASSOCIATION OF METAL FINISHERS, AMERICAN ELECTROPLATERS AND SURFACE FINISHERS SOCIETY, METAL FINISHING SUPPLIERS ASSOCIATION,

May 31, 2000.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: This letter is to express our appreciation for your work on environmental reporting issues, and to endorse the bill you plan to introduce with Senator Crapo, the ''Streamlined Environmental Reporting and Pollution Prevention Act.''

As the three leading trade and professional associations for the nation's surface finishing industry, we work to advance the viability and critical economic contribution of approximately 5000 manufacturing facilities, which range from small ''job shops'' to Fortune 500 companies. The National Association of Metal Finishers (NAMF) represents the interests of finishing companies and owners, the American Electroplaters and Surface Finishers Society (AESF) represents technical, research and scientific personnel associated with the industry, and the Metal Finishing Suppliers Association (MFSA) represents a wide range of vendors of equipment, chemicals and environmental consulting expertise.

As you know, our work during the '90s with USEPA on the reinvention front has led to better environmental performance for the finishing industry and constructive regulatory change. It remains our view that one of the most significant environmental regulatory challenges in the coming years will be the management of the ever-increasing weight and complexity of reporting burdens, particularly for small business. Your legislation takes sensible, incremental steps to address issues with which the Agency continues to have great difficulty.

A key project undertaken by our industry and USEPA under the ''Common Sense Initiative'' is the so-called ''RIITE'' study. This effort applied a Business Process Reengineering approach to identify and evaluate environmental reporting burdens across the entire federal system. The results were compelling, and pointed to the overwhelming need for consolidating and streamlining the reporting system. We have strongly encouraged the Agency to attack these issues in the context of its ''Reinventing Environmental Information'' initiative, and agency officials appear to be making an attempt in concert with involvement from the states, including New Jersey. However, discrete and meaningful changes are still on the far horizon.

Accordingly, we commend your work and that of your staff, Nikki Roy, in advancing sensible discussion on this issue, and look forward to working with you on your legislative effort in the coming months.

Sincerely,

CHRISTIAN RICHTER,
Director, Federal Relations.

U.S. PUBLIC INTEREST RESEARCH GROUP, NATIONAL ASSOCIATION OF STATE PIRGS.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express U.S. PIRG's endorsement of your bill, ''The Streamlined Environmental Reporting and Pollution Prevention Act 1999.'' This bill presents an important opportunity to advance environmental protection while reducing the burden associated with environmental reporting requirements.

The bill will require EPA, within four years, to provide businesses with one point of contact for all federal environmental reporting requirements. This 'one-stop' reporting system will use a common nomenclature and language understandable to businesspeople, not just to environmental specialists. Its electronic version will also provide pollution prevention information to businesses.

By helping businesses identify environmental reporting requirements to which they are subject, this new system will make it easier for businesses to comply both with those requirements and with other environmental laws. Using a common nomenclature and simpler language will also improve the accuracy of the environmental information reported. In addition, by providing information on pollution prevention to businesses as they report their environmental information, this system will promote pollution prevention. These are all objectives for which U.S. PIRG has long advocated.

Thank you for your leadership in demonstrating once again that government can advance environmental protection while helping business.

Sincerely,

JEREMIAH BAUMANN,
Environmental Advocate.

ENVIRONMENTAL DEFENSE,
Washington, DC, February 14, 2000.

Dr. MANIK ROY,
Office of Senator Lautenberg,
U.S. Senate, Washington, DC.

DEAR NIKKI: I am writing in support of the intent and approach of Mr. Lautenberg's draft bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

Integrating environmental reporting is a common sense way to make government work better for regulated entities as well as those who seek to use public information to advance environmental protection. When properly structured, these reforms can lessen the administrative burden on reporting entities while using the ''teachable moment'' of reporting to illuminate pollution prevention opportunities.

With continued careful attention to specific language, Senator Lautenberg's legislation will make good sense for both the environment and the economy.

Sincerely,

KEVIN MILLS,
Director,
Pollution Prevention Alliance.

NATIONAL ENVIRONMENTAL TRUST,
Washington, DC.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the National Environmental Trust, we wish to thank you for sponsoring ''The Streamlined Environmental Reporting and Pollution Prevention Act of 1999.'' NET will fully support enactment of this legislation because it will improve environmental protection and at the same time reduce the administrative burden associated with environmental reporting.

This proposed legislation demonstrates that it is possible to achieve a cleaner environment and maintain a strong economy at the same time. If enacted, this legislation will provide business with ''one-stop'' reporting through a single point of contact for all federal environmental reporting requirements, which will reduce redundancies and paperwork. By making it easier to report, compliance should improve. The provisions for pollution prevention ''feedback'' through the new system will assist businesses in achieving cleaner operations.

We thank you for your leadership in introducing this important legislation which will reduce businesses' costs of environmental reporting and compliance and at the same time result in vast improvement in environmental performance.

Sincerely,

PATRICIA G. KENWORTHY,
Vice President,
Government Affairs.

NATIONAL POLLUTION PREVENTION ROUNDTABLE,
December 22, 1999.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing on behalf of the National Pollution Prevention Roundtable (National Roundtable), to express the National Roundtable's endorsement of your bill, ''the Streamlined Environmental Reporting and Pollution Prevention Act of 1999.'' The bill advances concepts included in the National Roundtable's proposed amendments to strengthen the Pollution Prevention Act of 1990.

The bill will require EPA, within four years, to provide each business with one point of contact for all federal environmental reporting requirements. This ''one-stop'' reporting system will use language understandable to business people, not just to environmental specialists. In addition, the ''one-stop'' reporting system will simplify reporting due to the use of common nomenclature. The electronic version will also provide pollution prevention information to businesses.

Obviously, a law that streamlines environmental reporting will benefit industry by allowing them to spend less time on reporting and more on actually preventing pollution and other substantive environmental improvements.

Mainstream business decision-makers—those who design the business's products, decide how to make it, then proceed to produce it and instruct customers on its use and disposal—make the vast majority of environmental decisions in our society. Unfortunately, many times such decisions are made without consideration of their environmental consequences. This is largely due to the complexity of environmental regulations, which typically lead businesses to hire environmental specialists, who often act in isolation of product and process designers.

Streamlining environmental reporting will make it easier for mainstream business decision-makers to understand their environmental obligations and incorporate environmental considerations into the design and production of their products. Streamlined reporting is a critical tool needed to meet the challenging pollution problems of the 21st century.

If you have any questions about our comments or about the National Roundtable please have your staff contact either Natalie Roy or Michele Russo in our Washington D.C. office at 202/466–P2P2. We look forward to working more closely with you on this important piece of legislation.

Sincerely,

PATRICIA GALLAGHER,
Chair, Board of Directors.

THE STREAMLINED ENVIRONMENTAL REPORTING AND POLLUTION PREVENTION ACT OF 2000—SUMMARY

Section 1. Short title

This Act may be cited as the ''Streamlined Environmental Reporting and Pollution Prevention Act of 2000.''

Sec. 2. Definitions

Administrator means the Administrator of the U.S. Environmental Protection Agency (EPA).

Integrated reporting system means the system established under section 3 of this Act.

Person includes both private and government facilities.

Reporting requirement means a routine, periodic, environmental reporting requirement. The term refers neither to most emergency information, nor to business transaction information (e.g. information submitted by EPA contractors).

Sec. 3. Integrated environmental reporting

(a) Within 4 years of enactment, EPA integrates and streamlines its reporting requirements in accordance with subsection (b), to the extend not prohibited by Act of Congress, and in a manner consistent with the preservation of the integrity, reliability, and security of the data reported.

(b) The integrated reporting system has the following attributes:

(1) EPA establishes one point of contact through which reporting persons may submit all information required by EPA reporting requirements. The information may be submitted in paper form or through electronic media, such as an EPA webpage. This provision operates at the discretion of the reporting person. (See subsection (c).)

(2)(A) Each State, tribal, or local agency that receives information on a reporting person which it then must report to EPA (for example, under a delegation agreement) is allowed to submit such information to one point of contact at EPA. This provision operates at the discretion of the State, tribal, or local agency, and facilitates such agencies' efforts to streamline their own reporting requirements. (See Section 5.)

(2)(B) Each State, tribal, or local agency that reports through the integrated reporting system has full access to the data reported to EPA through the system.

(3) A reporting person has full access to any information it reports to EPA and to State, tribal, or local agencies that is subsequently reported to EPA. In order to ease future reporting, EPA provides the person the information in a modifiable format, allowing the person to update the information on the form and send it in to comply with a current reporting requirement.

(4) The reporting system directs the reporting person to information on applicable OSHA reporting requirements and environmental reporting requirements administered by other Federal agencies.

(5) The reporting system uses consistent units of measure and consistent terms for chemicals, pollutants, waste, and biological material. It also uses a standard method of identifying reporting facilities. EPA develops such ''data standards'' in consultation with State and tribal governments, reporting persons (i.e. industry), environmental groups, and information technology experts. (If EPA prefers, the data standards may be developed through a negotiated rulemaking with the stakeholders.)

(6) The reporting system uses a nomenclature that uses terms understandable to reporting persons that do not have environmental expertise.

(7) Information that would otherwise be reported at more than one point in the same data submission is reported only once.

(8) The reporting system uses protocols consistent with the Government Paperwork Elimination Act and public-domain standards for electronic commerce.

(9) EPA establishes a National Environmental Data Model to use as the framework for EPA databases on which reported data is kept. The data model is made available for use by other Federal, State, tribal, and local agencies, as their discretion.

(10) Reporting persons may receive technical assistance from an electronic commerce service center that is accessible through the reporting system.

(11) Reporting persons may receive scientifically-sound publicly-available information on pollution prevention technologies and practices through the reporting system.

(12) EPA may develop different ''interfaces'' for the reporting system to facilitate use by different sectors, sizes, and categories of reporting persons.

(13) Each reported data element receives protection equivalent to that provided under current law to protect confidential business information and privacy.

(14) EPA develops and disseminates software, to the maximum extent practicable, that helps the reporting person in assembling necessary data, reporting information, and receiving pollution prevention information under paragraph (11).

(15) The reporting system uses an ''open data format'' (such as ASCII format) that allows persons to download information from their own internal data management systems directly to the integrated reporting system. This provision operates at the discretion of the reporting person.

(c) Existing regulatory definitions are not modified by the data standards and nomenclature implemented under paragraphs (5) and (6) above unless amended by regulation.

(d) Nothing in this Act requires any person to use the integrated electronic reporting system instead of an individual reporting system.

Sec. 4. Interagency coordination

(a) EPA coordinates with State, tribal and local efforts that EPA believes consistent this Act, at the request of the State, tribal or local agency. (See section 3(b)(2).)

(b) Under subsection (a), EPA may coordinate with a State, tribal, or local agency to establish a reporting system that integrates reporting to both EPA and the other agency.

(c) To ease reporting by persons with facilities in several jurisdictions, EPA encourages the use of a common data format by any State, tribal, or local agency coordinating with EPA under subsection (a).

(d) Other Federal agencies provide EPA information on their reporting requirements.

(e) EPA may design the integrated reporting system to allow a reporting person to use it to comply with some requirements and not others.

Sec. 5. Regulations

EPA may promulgate such regulations as are necessary to carry out this Act.

Sec. 6. Reports

Within 2 years of enactment, EPA reports to Congress those provisions of law that prohibit or hinder implementation of this Act.

Sec. 7. Savings clause

(a) Nothing in this Act affects any provision of Federal or State law or the obligation of any person to comply with any provision of law.

(b) Nothing in this Act affects the obligation of a reporting person to provide the information required under any reporting requirement.

(c) Nothing in this Act authorizes new reporting requirements or requires the elimination of existing reporting requirements.●

By Mr. SHELBY:

S. 2801. A bill to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act; read the first time.

THE CHINESE NEWS AGENCY DIVESTITURE ACT OF 2000

Mr. SHELBY. Mr. President, the Washington Times reported last week that the Chinese Government-owned news agency, Xinhua, had purchased property on Arlington Ridge Road in Virginia a location that overlooks the Pentagon and has direct line of sight to many of our key Government buildings including this Capitol and the White House.

In fact, the property is so appealing that the East Germans bought it in the early 1980s, which led Congress to amend the Foreign Missions Act.

The Secretary of State, through the Foreign Missions Act, has broad authority to oversee the purchase of buildings in the United States by foreign government entities. Under the Act certain identified governments are required to notify the State Department of their intent to purchase property in the United States. China is one such country.

The Secretary of State then has 60 days to review the sale, and receive input from the Secretary of Defense and the Director of the FBI. She has the option to disapprove the sale during this period.

None of this occurred—despite the fact that China was notified in 1985 that its news agency was required to follow these procedures—and on June 15 the sale was finalized.

The Foreign Missions Act provides the Secretary of State with the authority to remedy this violation of law. Under section 205 of the act, the Secretary may force the news agency to divest itself of the property.

The legislation I am introducing today will ensure that this broad authority is used.

The legislation has two basic requirements: First, it requires the Secretary of State to report to the Intelligence and Foreign Relations Committees whether she intends to force the news agency to divest itself of the property.

Second, the bill prohibits any State Department funds from being used to negotiate with the Chinese on the relocation of the Chinese Embassy in Washington until she certifies that she has instituted divestiture proceedings and will ensure that any further purchase of property by the news agency will be pursuant to the Foreign Missions Act.

By prohibiting funds for further negotiations until this violation of U.S. law is resolved, this second provision

will also ensure that this issue is handled separately from on-going negotiations to relocate both the U.S. Embassy in Beijing and the Chinese Embassy in Washington, DC.

The potential for this building to be a source of unparalleled espionage is not a theoretical matter. While there is nothing new about PRC spying, as an emerging economic and military power, China increasingly challenges vital U.S. interests around the globe through its aggressive security and intelligence service—employing both traditional intelligence methods as well as non-traditional methods such as open source collection, elicitation, and exploitation of scientific and commercial exchanges.

In December 1999, the Director of Central Intelligence and the Director of the FBI reported to the Intelligence Committee, in unclassified form, that:

As the most advanced military power with respect to equipment and strategic capabilities, the United States continues to be the [Military Intelligence Department of the People's Republic of China]'s primary target.

The DCI went on to report:

During the past 20 years, China has established a notable intelligence capability in the United States through its commercial presence.

And added that China's commercial entities play a significant role in pursuit of U.S. proprietary information and trade secrets.

One of China's greatest successes has been its collection against the U.S. nuclear weapons labs. As the U.S. Intelligence Community concluded last year:

China obtained by espionage classified U.S. nuclear weapons information, [including] at least basic design information on several modern U.S. nuclear reentry vehicles, including the Trident II (W88).

The special advisory panel of the President's Foreign Intelligence Advisory Board PFIAB concluded:

[T]he nature of the intelligence-gathering methods used by the People's Republic of China poses a special challenge to the U.S. in general and the [DOE] weapons labs in particular. . . . The Chinese services have become very proficient in the art of seemingly innocuous elicitations of information. This approach has proved very effective against unwitting and ill-prepared DOE personnel.

In another example, an investigation by the Senate Select Committee on Intelligence concluded that U.S. officials ''failed to take seriously enough the counterintelligence threat'' in launching U.S. satellites on PRC rockets. Technology transfers in the course of U.S.-PRC satellite launches:

Enable the PRC to improve its present and future space launch vehicle and intercontinental ballistic missile.

But the Chinese are also active in traditional methods of intelligence gathering, which brings us to the subject of my legislation. Especially in the wake of U.S. military success in the Gulf War, the acquisition of advanced U.S. military technology has been a primary thrust of PRC espionage and intelligence collection efforts.

If you want money, and if you are so inclined, you rob a bank because, as a bank robber Willy Sutton famously observed: ''that's where the money is.''

If you want information on the most advanced military power in the world, the Pentagon is where the information is.

I am hopeful that this bill can be taken up and passed quickly by the Senate and the House in order to ensure that the divestiture occurs in an orderly and speedy manner.

Mr. President, this is a serious matter.

By Mr. WELLSTONE:

S. 2802. A bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add White Earth Tribal and Community College to the list of 1994 Institutions; to the Committee on Health, Education, Labor, and Pensions.

DESIGNATION OF WHITE EARTH TRIBAL & COMMUNITY COLLEGE AS A 1994 LAND GRANT INSTITUTION

Mr. WELLSTONE. Mr. President, I am introducing legislation today which will add the White Earth Tribal & Community College of Mahnomen, Minnesota to the list of 1994 Land Grant Institutions. Designation as a 1994 land grant institution would give White Earth Tribal & Community College access to critical federal funding and resources made available under the Equity in Educational Land-Grant Status Act of 1994 as well as providing eligibility for other programs.

Tribal colleges provide their students and their communities at-large with otherwise non-existent opportunities. They serve as library facilities for historical tribal documents—things like the oral history of elders that might otherwise be lost in time. They promote pride in their shared tribal background, and they provide unique opportunities for learning about this background. They are a center of learning for the entire community—not only learning about their tribal history, but also the basic learning that enables some to continue adult education, some to go on to 4-year institutions and some to finish graduate school. The colleges also offer a place for alcohol abuse workshops, job training seminars, and in some cases even day care centers. These colleges can offer benefits for all people in their communities, which is why we should offer our help to those tribal colleges who demonstrate their ability to serve their students and their community in this way.

The purpose of the 1994 land-grant act was to enable tribal colleges to receive funds to build their programs, enhance their infrastructure, and educate their communities. However, new tribal colleges, founded since 1994 are not automatically eligible for land grant status, they must be so designated by legislation. One such college is the White Earth Tribal & Community College in Mahnomen, Minnesota. Founded in 1997, this college is now the center of learning for approximately 100 students. Their courses cover a wide range of material including math, history, computer science, and business communications. The college is currently seeking accreditation and is a member of the American Indian Higher Education Consortium (AIHEC). White Earth Tribal & Community College is also recognized by its peers as an important place of higher learning. Other local colleges, such as Moorhead State University, Northwest Technical College, and Northland Community and Technical College, accept its transfer credits.

Mr. President, we should offer this college the opportunity it deserves to expand and strengthen its efforts to enhance the lives of everyone around it. Giving White Earth Tribal & Community College the same federal land-grant status that we gave other tribal colleges in 1994 is a matter of basic equity. Adoption of this legislation would signal a willingness to continue our support of new tribal colleges in their efforts to enhance education in their communities.

ADDITIONAL COSPONSORS

S. 1150

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1159

At the request of Mr. STEVENS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1608

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land