

Our bill would add 40,000 visas for the current fiscal year, providing relief to those summer-oriented businesses that had never even had the opportunity to apply for visas. Unfortunately, the Republican leadership has refused to move this bipartisan bill. The leadership has refused even to move a bill that Senator HATCH introduced, and which was supported only by Republicans. Instead, a tiny minority of Senators has been given a veto over doing anything to address this problem for the current fiscal year or years to come.

The Senate must act in a comprehensive way to solve this problem. I urge the majority leader to bring H-2B legislation to the floor as soon as possible, so we can assure that the summer of 2005 will not be a replay of the summer of 2004.

#### WASTEWATER TREATMENT WORKS SECURITY ACT OF 2003

Mr. JEFFORDS. Mr. President, I rise today in opposition to the Wastewater Treatment Works Security Act of 2003.

In the wake of September 11, 2001, I believe that it is imperative that the Nation takes every reasonable action we can to prevent terrorism, create effective response and recovery mechanisms, and find ways to minimize any impacts should an event occur.

The Congress has a key role in facilitating these actions by establishing authorities for Government agencies, establishing the legal framework in which homeland security improvements will occur, and appropriating adequate funding for the homeland security mission. Protecting our Nation's critical infrastructure is a major piece of our homeland security strategy.

The water sector has been identified as an element in our Nation's critical infrastructure since the issuance of Presidential Decision Directive 63 (PDD-63), issued in by President Clinton in May 1998, which was the first major governmental action focused on reducing the vulnerability of our Nation's critical infrastructure.

At that time, and in each document outlining homeland security responsibilities since that time, the Environmental Protection Agency, EPA, was designated as the lead for water infrastructure protection.

The security needs are significant in the water and wastewater sectors. There are over 16,000 publicly owned treatment works in the United States, serving almost 190 million people. These industrial facilities use large quantities of toxic chemicals in their treatment and disinfection processes. They are located near population centers and other critical infrastructure. A chemical accident would pose a serious threat. In addition, collection systems run beneath every city and town in America, creating potential corridors for travel or opportunities for access.

There are also serious public health risks associated with a disruption or

service failure at a wastewater treatment plant. Treatment works clean wastewater that comes from our toilets, showers, and sewers and send it back into our rivers, streams, lakes, and oceans. Those same bodies of water are our drinking water sources. Without proper treatment, we would see the public health effects of the same type of water-borne disease outbreaks such as cholera that we saw in Iraq earlier this year due to the failure of wastewater treatment plants.

I believe that the Congress should take the risk to wastewater treatment plants seriously. Unfortunately, S. 1039, the Wastewater Treatment Works Security and Safety Act, provides security for our Nation's wastewater infrastructure in name, only.

First, this bill is a rollback of current law requiring vulnerability assessments and emergency response plans at drinking water utilities. In 2002, the Congress passed H.R. 3448, the Public Health and Bioterrorism Preparedness Response Act of 2002, P.L. 107-188. This act requires community water systems to conduct vulnerability assessments and develop an emergency response plan that incorporates the results of the vulnerability assessment. Vulnerability assessments are to be submitted to EPA. The threats posed by drinking water and wastewater facilities are similar. These plants are often collocated. It makes no sense to adopt weaker standards for one sector of the industry than the other. The Bioterrorism Act ensures that water systems take basic action to first identify and then address security needs.

Second, S. 1039 increases wastewater security in name only. It does not require the most basic security precautions—completion of a vulnerability assessment and the incorporation of the results into a treatment works' emergency response plan. Under the provisions of S. 1039, we do not know if individual publicly owned treatment works will choose to complete a vulnerability assessment because there is no requirement to do so. We do not know if they will incorporate their findings into emergency response plans that are designed to protect communities surrounding those plants because there is no requirement to do so. These most basic actions are not too heavy a burden for the wastewater treatment industry to bear.

S. 1039 also does not require, and may actually preclude, the submission of vulnerability assessments that are completed to the Federal Government—a serious obstacle in the Department of Homeland Security's ability to perform its mission. Providing the results of a facility's vulnerability assessment and its emergency response plan to the Federal Government is a vital step both to ensure that vulnerability assessments are completed in critical infrastructure sectors and to ensure that the Federal Government has all of the information it requires to secure the Nation against a potential terrorist attack.

The President's National Strategy for Homeland Security, issued in 2002, states, "A complete and thorough assessment of America's vulnerabilities will not only enable decisive near-term action, but guide the rational long-term investment of effort and resources." Not only does DHS plan to use vulnerability assessments to evaluate threat information and provide warnings, but also to allocate resources. I agree that one of the most efficient ways to spend limited resources is to identify where we are vulnerable and where we are threatened, then target resources to the cross-section of those two areas.

Under S. 1039 as reported, it is unclear where DHS will get the information they require to complete a national vulnerability assessment and make resource allocation decisions that will increase the level of security in our Nation. What is clear is that DHS is likely to receive only partial information, if any, from a subset of wastewater plants that voluntarily choose to complete a vulnerability assessment and that voluntarily choose to share the information they collect. Without the best, most up to date, accurate information available, DHS will be unable to fully perform its mission.

In addition, elected officials in Congress have a constitutional oversight role over Federal agencies and the laws they implement. Under S. 1039, Congress will not be accountable to the public for the purpose or implementation of this law—Congress will not be able to request or access information from the Federal agencies because the agencies will not have such information.

At the beginning of this Congress, I introduced the Wastewater Treatment Works Security and Safety Act, S. 779. This legislation mirrors existing law for drinking water systems. It requires all wastewater utilities to conduct vulnerability assessments and to develop or modify emergency response plans to incorporate the results of the vulnerability assessments. It requires that these documents be presented to the EPA for review, and it includes significant security measures designed to protect this information from unauthorized disclosure. It authorizes \$185 million for assistance in completing vulnerability assessments, for immediate security improvements, and for assistance to small treatment works. It authorizes \$15 million for research to identify threats, detection methods, and response actions. This bill will clearly enhance the security of our Nation by taking real actions to improve the security of wastewater treatment works.

The Federal Government has a responsibility to protect the American people. If S. 1039 becomes law, the Federal Government will not know if publicly owned treatment works will voluntarily conduct a vulnerability assessment, if they will voluntarily implement the security needs identified,

or if they will incorporate the results into their emergency response plans, and there will be no way of finding out. The Department of Homeland Security's mission to increase the security of the country will be hindered. I believe that S. 1039 fails to take responsible, basic steps to protect our wastewater infrastructure security from terrorist attack, putting Americans at risk.

I urge my colleagues to oppose this legislation and support my alternative bill, S. 779.

#### MODIFIED VERSION OF S. 849

Mr. MCCAIN. Mr. President, today I am introducing a modified version of S. 849, the Northern Arizona National Forest Land Exchange Act, which I cosponsored last year with Senator KYL. Since introducing that bill, I have met with hundreds of Arizonans and learned first-hand of the significant water issues raised by this proposed exchange of about 50,000 acres of private and Federal land in Northern Arizona. I am introducing this modified version of the legislation with the sincere hope of achieving a compromise agreement that can be enacted prior to adjournment.

Let me be clear. I am not offering amendments to this bill to slow its progress, but rather I want to take this opportunity to address one of the most crucial challenges facing Arizona: sound management of its precious water resources. The persistent drought that is draining our reservoirs makes all of us aware of the limits of our water supplies. I strongly believe that the State of Arizona is at a crucial point where decisions regarding growth and water use must be made with the assurance of long-term availability of water supplies without draining our ground and surface waters dry. I am afraid we are currently on a collision course with the reality of our finite and dwindling water supplies and the future economic and environmental welfare of the State.

In the context of this proposed exchange, it would be irresponsible of the Federal Government to transfer public lands into private hands in an area where water problems currently exist without an understanding of the potential water supply impacts. I have spent considerable time and effort in trying to develop a reasoned, compromise proposal that balances the various Arizona interests and achieves a fair and equitable exchange in the public interest. Therefore, it is my hope that the release of this amended bill with a new title addressing the associated water issues will be carefully considered by all interested parties.

My objective is to encourage the formation of a partnership between Federal, State, and local stakeholders in order to facilitate sound, science-based water resource planning and management in the Verde River Basin. In my view, the development of such a col-

laborative decision-making body, modeled on the Upper San Pedro Partnership, would be a vital step in assuring the wise use of the finite water resources within the Verde River Basin.

An earlier draft proposal of the partnership title to this bill was widely circulated in Northern Arizona and generated productive discussion and comment. This valuable input is reflected in the measure I am offering today. It encourages the creation of a multi-stakeholder partnership and clarifies the Federal role in providing scientific, technical, and financial assistance to State and local water resource planning and management efforts. With this important support, I expect that State and local interests that share ground and surface water resources will come together to advance protection and wise use of finite water supplies.

I became fully aware of the crucial need for this Federal assistance through public meetings I held last December in Flagstaff and Camp Verde. More than 600 people gathered in Camp Verde to express their strongly held views of the proposed land exchange. The primary concern voiced was whether or not adequate water supplies are available in the area to provide for future development given that residents are already experiencing water supply problems. The U.S. Geological Survey presented information about its ongoing studies and what is not known about the hydrologic systems or water use impacts within the Verde Basin. The fact is that we simply do not have sufficient information to determine the quantity of water supply available over the long-term without adverse effects.

I believe that it would be irresponsible of the Federal Government to transfer lands into private hands in an area where water problems already exist without an understanding of the potential impacts. That is why I am interested in expediting essential water studies in the Verde Basin to provide a scientific basis for sound decision-making by the partnership. In the short-term, I envision that the first task of the partnership would be to make a recommendation, based on a water budget analysis for the Verde Valley, regarding available water supply for future use on the Federal parcel in Camp Verde. Long-term water resource planning and management efforts within the region could also be developed through the partnership and informed by the ongoing water studies and analyses.

I would like to briefly explain some of the provisions in this modified bill.

First, under Title I of the bill, it would allow the cities of Flagstaff, Williams, and Camp Verde, as well as several local camps, the option to purchase lands directly from the Forest Service if they are unable to reach an agreement to purchase such lands from the Yavapai Ranch. These communities and camps are very interested in exploring the economic opportunities

that would be afforded through the acquisition of certain lands currently held by the Federal Government. The bill also would eliminate the 820-acre Federal parcel in Clarkdale from exchange, at the request of that community.

Next, the bill establishes a new Title II, which is designed to establish a framework to begin addressing the very serious water resource and management issues in Northern Arizona. The purpose of this title is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin, consisting of members that represent Federal, State, and local agencies, along with economic, environmental, and community water interests. The bill language makes it clear that this is not a Federal intrusion into State and local jurisdiction and responsibility for water management and control.

Under Title II, Federal assistance would be authorized upon the formation of a Verde River Basin Partnership. The measure would authorize the Secretary of Agriculture to assist the Arizona Department of Water Resources and the Yavapai Water Advisory Council by participating in the formation of the partnership. While the partnership would not be a Federal entity, it would be eligible for Federal assistance through the Secretary of Agriculture and the Secretary of the Interior.

The amended bill directs the partnership to develop a plan for conducting water resource studies within the Verde River Basin. The plan would include; a list of specific studies and analyses that are needed to support the planning and management objectives of the partnership, identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin, provide study timeliness and cost estimates, and designate as a study priority the compilation of a water budget analysis for the Verde Valley.

To assist the partnership, the bill directs the U.S. Geological Survey, in cooperation with ADWR, to prepare and submit a report to the Partnership that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley. The partnership would then use the information, along with any other relevant information, and submit a preliminary report with its findings and recommendations regarding long-term available water supply within the Verde Valley to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities. Following this preliminary report, the partnership is expected to continue its work and submit a comprehensive report to the Secretary and the Governor of Arizona within 4 years. The comprehensive report would include the results of any water resource assessments conducted