(1) in the first sentence of subsection (b), by striking ''subsection (f) of this section'' and inserting ''subsections (f) and (i)'';

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting before subsection (j) the following:

''(i) WOODROW WILSON MEMORIAL BRIDGE.—Before making an apportionment of funds under subsection (b), the Secretary shall set aside $17,550,000 for fiscal year 1996 and $80,050,000 for fiscal year 1997 for the rehabilitation of the Woodrow Wilson Memorial Bridge and for the planning, preliminary design, engineering, and acquisition of a right-of-way for, and construction of, a new crossing of the Potomac River.''.

(b) APPLICABILITY OF TITLE 23.—Funds made available under this section shall be available for obligation in the manner provided for funds apportioned under chapter 1 of title 23, United States Code, except that—

(1) the Federal share of the cost of any project funded under this section shall be 100 percent; and

(2) the funds made available under this section shall remain available until expended.

(c) STUDY.—Not later than May 31, 1997, the Secretary, in consultation with each of the Capital Region jurisdictions, shall prepare and submit to Congress a report identifying the necessary Federal share of the cost of the activities to be carried out under section 208.

(d) DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1002(e)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 104 note) is amended by inserting before the period at the end the following: ''and the National Capital Region Interstate Transportation Authority Act of 1995''.

(e) REMOVAL OF ISTEA AUTHORIZATION FOR BRIDGE REHABILITATION.—Section 1069 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2009) is amended by striking subsection (i).

SEC. 211. AVAILABILITY OF PRIOR AUTHORIZATIONS.

In addition to the funds made available under section 210, any funds made available for the rehabilitation of the Bridge under sections 1069(i) and 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2009 and 2028) (as in effect prior to the amendment made by section 210(e)) shall continue to be available after the conveyance of the Bridge to the Authority under section 207(a), in accordance with the terms under which the funds were made available under the Act.

Mr. WARNER. Mr. President, I now ask unanimous consent that the committee substitute be modified to delete section 107 of the bill. That is the section which contains the amendment of the Senator from Virginia, the Davis-Bacon amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. I further ask unanimous consent that during the Senate's consideration of S. 440 no Davis-Bacon related amendments be in order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. Mr. President, I recommended this action after consultation with the managers of the bill and the chairmen of the respective committees and the leadership of the Senate, because I am very anxious that consideration of the National Highway System bill be moved forward expeditiously.

The Senate will have further opportunity to consider issues related to Davis-Bacon on other pieces of legislation, most notably S. 141, a bill reported from the Labor and Human Resources Committee.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. ROBB):

S. 934. A bill to authorize the establishment of a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Environment and Public Works.

S. 935. A bill to amend the Food Security Act of 1985 to require the Secretary to establish a program to promote the development of riparian forest buffers in conservation priority areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ROBB):

S. 936. A bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. ROBB):

S. 937. A bill to reauthorize the National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ROBB):

S. 938. A bill to provide for ballast water management to prevent aquatic nonindigenous species from being introduced and spread into the waters of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself and Mr. GRAMM):

S. 939. A bill to amend title 18, United States Code, to ban partial-birth abortions; read the first time.

By Mr. LEAHY (for himself, Mr. BRADLEY, Mr. GRAHAM, Mr. DASCHLE, Mr. SIMON, Mr. INOUYE, Mr. JEFFORDS, Mr. REID, Mr. HATFIELD, Mr. FORD, Mr. HARKIN, Mr. SARBANES, Mr. FEINGOLD, Mr. KOHL, Mr. LAUTENBERG, Mr. DODD, Mr. KERRY, Mrs. KASSEBAUM, Ms. MOSELEY-BRAUN, Mr. BUMPERS, Mr. KENNEDY, Mrs. BOXER, Mr. PELL, Mr. CHAFEE, Mr. DORGAN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. SIMPSON, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BRYAN, Mr. MOYNIHAN, Mr. KERREY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. CONRAD, Mr. JOHNSTON, Mr. PRYOR, Mr. BREAUX, Mr. EXON, and Mr. CAMPBELL):

S. 940. A bill to support proposals to implement the United States goal of eventually eliminating antipersonnel landmines; to impose a moratorium on use of antipersonnel landmines except in limited circumstances; to provide for sanctions against foreign governments that export antipersonnel landmines, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 941. A bill to provide for the termination of the status of the College Construction Loan Insurance Association (''the Corporation'') as a Government Sponsored Enterprise, to require the Secretary of Education to divest himself of the Corporation's stock, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOND (for himself, Mr. DOMENICI, Mr. WARNER, Mrs. HUTCHISON, Mr. BURNS, Mr. FRIST, and Mr. COVERDELL):

S. 942. A bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes; to the Committee on Small Business.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. ROBB):

S. 934. A bill to authorize the establishment of a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Environment and Public Works.

S. 935. A bill to amend the Food Security Act of 1985 to require the Secretary to establish a program to promote the development of riparian forest buffers in conservation priority areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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S. 937. A bill to reauthorize the National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ROBB):

S. 938. A bill to provide for ballast water management to prevent aquatic nonindigenous species from being introduced and spread into the waters of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CHESAPEAKE BAY LEGISLATION

Mr. SARBANES.

Mr. President, today, I am introducing, along with a number of my colleagues, a package of five bills directed to continuing and enhancing the efforts to clean up the Chesapeake Bay.

Joining me in sponsoring elements of this package are my distinguished colleague from Maryland, Senator MIKULSKI, and my two distinguished Virginia colleagues, Senators WARNER and ROBB.

Mr. President, the Chesapeake Bay is the largest estuary in the United States and the key to the ecological and economic health of the mid-Atlantic region. The bay, in fact, is one of the world's great natural resources. We tend to take it for granted, since it is right here at hand, so to speak, and I know many Members of this body have enjoyed the Chesapeake Bay. The bay provides thousands of jobs for the people in this region. It is a world-class fishery that produces a significant portion of the country's fin fish and shellfish catch. It is a major commercial waterway and shipping center for the region and for much of the eastern United States. And it is an unparalleled recreational center for almost 10 million people.

The Chesapeake Bay also provides vital habitat for living resources. Over 2,700 plant and animal species live in the bay. It provides a major resting area for migratory birds and waterfowl along the Atlantic flyway, including many endangered and threatened species.

I could go on and on about this dimension of the bay, but most people are aware of it. Certainly, our Nation's scientists are aware of it and have consistently regarded the protection and the enhancement of the quality of the Chesapeake Bay as an extremely important national objective.

It is a treasured asset for those of us in Maryland—in fact, for all those who live around the bay in the other States, our neighboring State of Virginia, and the States to the north of us. Much of the water that comes into the bay comes from the Susquehanna River which originates in New York State.

The Chesapeake Bay is a defining element in Maryland history and a key to the quality of Maryland life throughout our history.

When the bay began to experience serious unprecedented declines in water quality and living resources in recent decades, the people in my State suffered as well. We lost thousands of jobs in the fishing industry. We lost much of the wilderness that defined the watershed.

We began to appreciate for the first time the profound impact that human activity could have on the Chesapeake Bay ecosystem.

Untreated sewage, deforestation, toxic chemicals, farm runoff, and increased development resulted in a degradation of water quality and a destruction of wildlife and its habitat.

Now, fortunately, over the last two decades we have also come to understand that humans can have a positive influence on the environment, and that we can, if we choose, assist nature to repair much of the damage which has been done.

We now treat sewage before it enters our waters. We ban toxic chemicals that were killing the wildlife, we have initiated programs to reduce nonpoint source pollution, and we have taken aggressive steps to restore depleted fisheries.

The States of Maryland, Virginia, and Pennsylvania deserve much of the credit for undertaking many of the actions that have put the bay and its watershed on the road to recovery.

All three States have had major cleanup programs. They have made significant commitments in terms of resources. It is an important priority item on the agendas of the bay States. Successive administrations—Governors have been strongly committed, State legislatures, the public. There are a number of private organizations—the Chesapeake Bay Foundation, for example—which do extraordinarily good work in this area.

But there has been an involvement of the Federal Government as well in helping to bring about the recent successes. It has been an essential and critical involvement.

Without the Federal Clean Water Act, the Federal ban on DDT, and EPA's watershed-wide coordination of Chesapeake Bay restoration and cleanup activities, we would not have been able to bring about the concerted effort, the real partnership, that is succeeding in improving the water quality of the bay and is succeeding in bringing back many of the fish and wildlife species that were on their way to simply being a memory.

So there has been an important role that has been played by the National Government in serving as a catalyst to bring together the State and local effort and the private sector effort. An extraordinary partnership has been built that is much greater than the sum of its parts.

There is a dynamic element that has resulted, as a consequence, that has enabled us to gain a significant momentum in raising the quality of the Chesapeake Bay to the benefit of everyone.

The Chesapeake Bay is getting cleaner, but we cannot afford to be complacent. There are tremendous stresses imposed upon the bay. This is a fast-growing area of the country, with increased population. The commercial stresses intensify.

So we need to address the continuing needs of the bay restoration effort. The hard work, investment, and commitment, at all levels, which has brought gains over the last two decades, must not be allowed to relax.

The measures I am introducing today are designed to build upon our National Government's past role in the Chesapeake Bay program, the highly successful Federal-State-local partnership to which I made reference, that so ably coordinates and directs efforts to restore the bay.

The proposed legislation reauthorizes the bay program and expands the responsibilities of the Federal agencies with a stake in the future of the bay so as to address continuing trouble spots in the watershed.

Difficulties identified by the Chesapeake Bay community include loss of wetlands and forests, soil erosion, toxics, nuisance species, and shellfish disease.

Let me just outline briefly how these various measures seek to accomplish this. First among this package of five bills is legislation that carries forward and enhances the role of the Environmental Protection Agency as the lead Federal agency committed to cleaning up the bay. It establishes a mechanism for interagency coordination and cooperation in the Chesapeake Bay restoration efforts.

The proposal also calls on EPA to initiate new programs to conduct watershed-wide research, programs to restore essential habitat, and programs to reduce toxics in the watershed.

Another bill in this package directs the Coast Guard to develop guidelines for ships entering U.S. waters, to limit the opportunity for the introduction of potentially harmful nonindigenous species through ballast water releases.

In other words, the bay is a ship artery. It is a commercial waterway. The Port of Baltimore is one of our Nation's leading ports. Ships coming into the Chesapeake Bay often release ballast water. The concern is that in the course of doing so they will release into the bay species that are nonindigenous to the bay. In other words, species that had been taken on elsewhere in the world and then would be released into the bay to its detriment.

In fact, this legislation builds on the program undertaken in the Great Lakes where nonindigenous species, such as the zebra mussel, are already causing millions of dollars in damage. We want to avoid such a situation developing in the Chesapeake Bay, and this provision giving the Coast Guard a role to play with respect to the release of ballast water is important in that regard.

Third, the package of legislation continues NOAA's role as the Federal agency responsible for providing key marine research in the Chesapeake Bay. It directs NOAA to continue to undertake research on and to develop solutions for the diseases that have ravaged oyster fisheries throughout the United States and, in particular, in the Chesapeake Bay. We have been very hard hit by these diseases that have virtually decimated the oyster industry. NOAA is the agency to carry forward this key marine research.

Fourth, the package of legislation calls on the Army Corps of Engineers to provide assistance to State and local governments in the design and construction of water-related infrastructure, and to assist in developing resource protection projects.

Let me just give an example of the projects I am talking about. The beneficial use of dredge material which offers a win-win situation. We have to dredge the bay channels for shipping purposes. There is a problem with the disposal of the spoil from that dredging. We now realize that if we move it to eroding islands, we can rebuild the islands. In other words, you have a disposal site so that you dispose of it in a way that is beneficial to the environment by renewing habitat.

We also are interested in the corps addressing sediment and erosion control questions, the protection of eroding shoreline, and the protection of essential public works such as waste water treatment and water supply facilities.

The final piece of legislation in this package directs the U.S. Department of Agriculture, acting through the Natural Resources Conservation Service and through the Forest Service, to encourage the planting of streamside forests in the Chesapeake Bay watershed and in other conservation priority areas. In other words, we encourage the planting of forest buffers, which then help to limit the pollution of water resources by reducing the entry of nonpoint pollutants into streams, and by stabilizing stream banks.

It is a very important and worthwhile program. By planting these buffer zones of trees we are able to stabilize the stream bank, and also filter out pollutants which otherwise would go into the bodies of water.

Mr. President, it is the hope of the cosponsors that most of these measures will ultimately be incorporated into larger pieces of legislation that are due to be reauthorized or considered this year. However, if such legislation is not considered or should become stalled in the legislative process—the larger legislation covers a whole range of issues—it is our intention to try to move forward with this legislation separately.

The Chesapeake Bay cleanup effort has been a major bipartisan undertaking in this body. It has consistently, over the years, been strongly supported by virtually all Members of the Senate. I strongly urge my colleagues to join with us in supporting this legislation and contributing to the improvement and the enhancement of one of our Nation's most valuable and treasured natural resources.

Mr. President, I ask unanimous consent that the text of these bills and a section-by-section analysis of the bills be printed in the RECORD.

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

S. 934

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

SECTION 1. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Army (referred to in this section as the ''Secretary'') shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of a project carried out under an agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate fully with the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies and departments and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) DEMONSTRATION PROJECT.—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for the period consisting of fiscal years 1996 through 1998, to remain available until expended.

S. 935

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 ''Riparian Forest Pilot Program Establishment Act''.

SEC. 2. RIPARIAN FOREST PILOT PROGRAM.

Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) RIPARIAN FOREST PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program to promote the development of riparian forest buffers in conservation priority areas designated under subsection (f) by entering into contracts to assist owners and operators of lands described in paragraph (2) to improve water quality and living resources in the conservation priority areas.

''(2) ELIGIBLE LANDS.—Notwithstanding subsection (b), the Secretary may include in the program established under this subsection any cropland or pasture land that, when converted to a riparian forest buffer consisting of trees, shrubs, or other vegetation, will—

''(A)(i) intercept surface runoff, wastewater, and subsurface flows from upland sources for the purpose of removing or buffering the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants, prior to entry into surface waters or ground water recharge areas; or

''(ii) accomplish specific objectives for terrestrial or aquatic habitat identified by the Secretary; and

''(B) meet specifications for size, vegetation, and tree species established by the Natural Resources Conservation Service and the Forest Service, in cooperation with appropriate State agencies.

''(3) DURATION, MODIFICATION, AND EXTENSION OF CONTRACTS.—Notwithstanding subsection (e), during calendar years 1996 through 2000, the Secretary may, in carrying out the program established under this subsection—

''(A) enter into contracts of not more than 20 years;

''(B) with the consent of the owner or operator, modify a contract entered into under this subchapter prior to the date of enactment of this paragraph to include land that meets the eligibility criteria of paragraph (2); and

''(C) extend a contract entered into or modified under this subchapter with respect to land that meets the eligibility criteria of paragraph (2) for a period of not more than 20 years.

''(4) PRIORITY FOR ENROLLMENT OF ELIGIBLE LANDS.—In enrolling lands under the program established under this subchapter, the Secretary shall—

''(A) give priority to land that meets the eligibility criteria of paragraph (2); and

''(B) to the extent practicable, ensure that at least 20 percent of enrolled lands in conservation priority areas designated under subsection (f) meets the eligibility criteria of paragraph (2).

''(5) TECHNICAL ASSISTANCE.—Through the Natural Resources Conservation Service and the Forest Service, in cooperation with States that contain conservation priority areas designated under subsection (f), the Secretary shall provide technical assistance for the design, establishment, and maintenance of riparian forest buffers.

''(6) COST-SHARE ASSISTANCE.—Notwithstanding any other provision of this title, the Secretary may pay not more than 100 percent of the cost of the design, establishment, and short-term maintenance of riparian forest buffers consisting of trees, shrubs, or other vegetation under the program established under this subchapter.

''(7) SELECTIVE HARVEST.—Notwithstanding any other provision of this title, an owner or operator participating in the program established under this subsection, with the prior approval of the Secretary, may selectively harvest mature timber if the harvest would not prevent accomplishment of the objectives of this subchapter.''.

S. 936

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 ''Chesapeake Bay Restoration Act of 1995''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) in recent years, the productivity and water quality of the Chesapeake Bay and the tributaries of the Bay have been diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of growth and development of population in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government, State governments, the District of Columbia and the governments of political subdivisions of the States with jurisdiction over the Chesapeake Bay watershed have committed to a comprehensive and cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national model for the management of estuaries; and

(5) there is a need to expand Federal support for research, monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this Act are to—

(1) expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay; and

(2) achieve the goals embodied in the Chesapeake Bay Agreement.

SEC. 3. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

''CHESAPEAKE BAY

''SEC. 117. (a) DEFINITIONS.—In this section:

''(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Governor of the State of Maryland, the Governor of the Commonwealth of Pennsylvania, the Governor of the Commonwealth of Virginia, the Mayor of the District of Columbia, the chairman of the tri-State Chesapeake Bay Commission, and the Administrator, on behalf of the executive branch of the Federal Government.

''(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

''(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(A) implementing and coordinating science, research, modeling, support services, monitoring, and data collection activities that support the Chesapeake Bay Program;

''(B) making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay Program;

''(C) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement that participate in the Chesapeake Bay Program in developing and implementing specific action plans to carry out the responsibilities of the authorities under the Chesapeake Bay Agreement;

''(D) assisting the Administrator in coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(i) improve the water quality and living resources of the Chesapeake Bay; and

''(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(3) INTERAGENCY COOPERATION AND COORDINATION.—

''(A) IN GENERAL.—There is established a Chesapeake Bay Federal Agencies Committee (referred to in this paragraph as the 'Committee'). The purposes of the Committee shall be to—

''(i) facilitate collaboration, cooperation, and coordination among Federal agencies and programs of Federal agencies in support of the restoration of the Chesapeake Bay;

''(ii) ensure the integration of Federal activities relating to the restoration of the Chesapeake Bay with State and local restoration activities, and the restoration activities of nongovernmental entities; and

''(iii) provide a framework for activities that effectively focus the expertise and resources of Federal agencies on problems identified by the Committee in such manner as to produce demonstrable environmental results and demonstrable improvements in programs of Federal agencies.

''(B) DUTIES OF THE COMMITTEE.—The Committee shall share information, set priorities, and develop and implement plans, programs, and projects for collaborative activities to carry out the following duties:

''(i) Reviewing all Federal research, monitoring, regulatory, planning, educational, financial, and technical assistance, and other programs that the Committee determines to be appropriate, that relate to the maintenance, restoration, preservation, or enhancement of the environmental quality and natural resources of the Chesapeake Bay.

''(ii) Reviewing each Federal program administered by the head of each participating Federal agency that may influence or contribute to point and nonpoint source pollution and establishing a means for the mitigation of any potential impacts of the pollution.

''(iii) Developing and implementing an annual and long-range work program that specifies the responsibilities of each Federal agency in meeting commitments and goals of the Chesapeake Bay Agreement.

''(iv) Assessing priority needs and making recommendations to the Chesapeake Executive Council for improved environmental and living resources management of the Chesapeake Bay ecosystem.

''(C) APPOINTMENT OF MEMBERS.—The members of the Committee shall be appointed as follows:

''(i) At least 1 member who is an employee of the Environmental Protection Agency shall be appointed by the Administrator.

''(ii) At least 1 member who is an employee of the National Oceanic and Atmospheric Administration of the Department of Commerce shall be appointed by the Secretary of Commerce.

''(iii) At least 3 members shall be appointed by the Secretary of the Interior, of whom—

''(I) 1 member shall be an employee of the United States Fish and Wildlife Service;

''(II) 1 member shall be an employee of the National Park Service; and

''(III) 1 member shall be an employee of the United States Geological Survey.

''(iv) At least 4 members shall be appointed by the Secretary of Agriculture, of whom—

''(I) 1 member shall be an employee of the Natural Resources Conservation Service;

''(II) 1 member shall be an employee of the Forest Service;

''(III) 1 member shall be an employee of the Consolidated Farm Service Agency; and

''(IV) 1 member shall be an employee of the Cooperative State Research, Education, and Extension Service.

''(v) At least 3 members shall be appointed by the Secretary of Defense, of whom—

''(I) at least 2 members shall be employees of the Department of the Army, of whom 1 member shall be an employee of the Army Corps of Engineers; and

''(II) 1 member shall be an employee of the Department of the Navy.

''(vi) At least 1 member who is an employee of the Federal Highway Administration shall be appointed by the Secretary of Transportation.

''(vii) At least 1 member who is an employee of the Coast Guard shall be appointed by the head of the department in which the Coast Guard is operating.

''(viii) At least 1 member shall be appointed by the Secretary of Housing and Urban Development.

''(ix) At least 1 member shall be appointed by Board of Regents of the Smithsonian Institution.

''(D) CHAIRPERSON.—The Committee shall, at the initial meeting of the Committee, and biennially thereafter, select a Chairperson from among the members of the Committee.

''(E) PROCEDURES.—The Committee may establish such rules and procedures (including rules and procedures relating to the internal structure and function of the Committee) as the Committee determines to be necessary to best fulfill the responsibilities of the Committee.

''(F) MEETINGS.—The initial meeting of the Committee shall be not later than 60 days after the date of enactment of this subparagraph. Subsequent meetings shall be held on a regular basis at the call of the Chairperson.

''(c) REPORTS.—The Committee shall prepare and submit to the President a report to be submitted to Congress that identifies—

''(1) the activities that have been carried out or are being undertaken to carry out the responsibilities of the Federal agency under this section or that are otherwise required under the Chesapeake Bay Program;

''(2) planned activities to carry out the responsibilities referred to in paragraph (1); and

''(3) the resources provided by the Federal agency to meet the responsibilities of the agency under this section and under the Chesapeake Bay Program.

''(d) INTERSTATE DEVELOPMENT PLAN GRANTS.—

''(1) AUTHORITY.—The Administrator shall, at the request of the Governor of a State affected by the interstate management plan developed pursuant to the Chesapeake Bay Program (referred to in this subsection as the 'plan'), make a grant for the purpose of implementing the management mechanisms contained in the plan if the State has, within 1 year after the date of enactment of the Chesapeake Bay Restoration Act of 1995, approved and committed to implement all or substantially all aspects of the plan. The grants shall be made subject to such terms and conditions as the Administrator considers appropriate.

''(2) SUBMISSION OF PROPOSAL.—A State or combination of States may apply for the benefits provided under this subsection by submitting to the Administrator a comprehensive proposal to implement management mechanisms contained in the plan, which shall include—

''(A) a description of proposed abatement actions that the State or combination of States commits to take within a specified time period to reduce pollution in the Chesapeake Bay and to meet applicable water quality standards; and

''(B) the estimated cost of the abatement actions proposed to be taken during the next fiscal year.

If the Administrator finds that the proposal is consistent with the plan and the national policies set forth in section 101(a), the Administrator shall approve the proposal.

''(3) FEDERAL SHARE.—For any fiscal year, the amount of grants made under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms contained in the plan during the fiscal year and shall be made on the condition that non-Federal sources provide the remainder of the cost of implementing the management mechanisms contained in the plan during the fiscal year.

''(4) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects supported by funds made available under this subsection shall not exceed in any 1 fiscal year an amount equal to 10 percent of the annual Federal grant made to a State under this subsection.

''(e) COMPLIANCE BY FEDERAL FACILITIES.—

''(1) ASSESSMENT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the head of each Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall perform an assessment of the facility for the purpose of ensuring consistency and compliance with the commitments, goals, and objectives of the Chesapeake Bay Program and the enforceable requirements of this Act.

''(2) CONTENTS OF ASSESSMENTS.—The assessment referred to in paragraph (1) shall identify any then existing or potential impact on the water quality or living resources of the Chesapeake Bay (or both) by the facility, including any potential land-use impacts of activities related to new development, man-made obstructions to fish passage, shoreline erosion, and ground water and storm water runoff.

''(3) STATE PLANS AND PROGRAMS.—To the maximum extent practicable, the head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure conformance with any applicable State plan or program to protect environmentally sensitive areas in the Chesapeake Bay watershed.

''(4) REPORT REQUIREMENTS.—As part of each report required under subsection (c)(3), the head of each Federal agency shall include a detailed plan, funding mechanism, and schedule for ensuring compliance with this Act and addressing or mitigating the impacts referred to in paragraph (2).

''(f) HABITAT RESTORATION AND ENHANCEMENT DEMONSTRATION PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Administrator, in cooperation with the heads of other appropriate Federal agencies, agencies of States, and political subdivisions of States, shall establish a habitat restoration program in the Chesapeake Bay watershed. The purpose of the program shall be to develop and demonstrate cost-effective techniques for restoring or enhancing wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

''(2) CRITERIA FOR IDENTIFICATION OF AREAS FOR HABITAT RESTORATION.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Chesapeake Executive Council, shall develop criteria to identify areas for habitat restoration, including—

''(A) unique, significant, or representative habitat types;

''(B) areas that are subject to, or threatened by, habitat loss or habitat degradation (or both) attributable to human or natural causes; and

''(C) areas inhabited by endangered, threatened, or rare species, neotropical migratory birds, or species that have a unique function within the Chesapeake Bay ecosystem.

''(3) PLAN.—Not later than 2 years after the date of enactment of this subsection, the Administrator, in consultation with the Chesapeake Executive Council, shall develop a plan for the restoration of wetlands, contiguous riparian forests, and other habitats within the Chesapeake Bay watershed.

''(4) DUTIES OF THE ADMINISTRATOR.—In carrying out the demonstration program under this subsection, the Administrator, in consultation with the Chesapeake Executive Council, shall—

''(A) identify opportunities for the restoration of major habitat resources in the Chesapeake Bay watershed;

''(B) characterize the importance of the habitat resources identified pursuant to subparagraph (A) to the health and functioning of the Chesapeake Bay ecosystem;

''(C) conduct a prerestoration characterization assessment of each habitat resource identified pursuant to subparagraph (A) to evaluate with respect to the habitat resource—

''(i) the potential effectiveness of a restoration effort;

''(ii) enhancement options; and

''(iii) the cost-effectiveness of each effort or option referred to in clauses (i) and (ii);

''(D) consider the degree to which restored and enhanced habitats may—

''(i) mitigate the effects of nutrient loading caused by nonpoint source pollution from developed areas and agricultural activities;

''(ii) reduce erosion and mitigate flood damage; and

''(iii) assist in the protection or recovery of living resources;

''(E) ensure coordination with all then existing management, regulatory, and incentive programs;

''(F) implement habitat restoration projects on a demonstration basis, including submerged aquatic vegetation plantings, breakwaters, forest buffer strips, and artificial wetlands;

''(G) monitor and evaluate the effectiveness of the demonstration projects;

''(H) establish and maintain a central clearinghouse to facilitate access to information related to habitat of the Chesapeake Bay watershed, including information relating to habitat location, type, acreage, function, condition and status, and restoration and design techniques and trends related to the information; and

''(I) develop and carry out educational programs (including training programs), research programs, and programs for technical assistance to assist in the efforts of State and local governments and private citizens related to habitat restoration and enhancement.

''(5) ASSISTANCE.—

''(A) IN GENERAL.—In carrying out the demonstration program under this subsection, the Administrator is authorized to provide, in cooperation with the Chesapeake Executive Council, technical assistance and financial assistance in the form of a grant to any State government, interstate entity, local government, or any other public or nonprofit private agency that submits an approved application.

''(B) FEDERAL SHARE OF GRANTS.—The Federal share of the amount of any grant awarded under this subsection shall be—

''(i) with respect to a project conducted by the grant recipient on land owned or leased by the Federal Government, 100 percent of the cost of the activities that are the subject of the grant; and

''(ii) with respect to a project conducted by the grant recipient on land that is not owned or leased by the Federal Government, 75 percent of the cost of the activities that are the subject of the grant.

''(C) FEDERAL SHARE OF PROJECTS.—The Federal share of any project conducted by the Administrator under this subsection shall be—

''(i) with respect to a project conducted on land owned or leased by the Federal Government, 100 percent of the cost of the activities that are the subject of the project; and

''(ii) with respect to a project conducted on land that is not owned or leased by the Federal Government, 75 percent of the cost of

the activities that are the subject of the project.

''(6) HABITAT PROTECTION AND RESTORATION PROGRESS ASSESSMENT.—Not later than 3 years after the date of enactment of this subsection, and biennially thereafter, the Administrator shall submit a report to Congress concerning the results of the demonstration projects conducted under the habitat restoration demonstration program described in paragraph (1). The report shall also include a summary of scientific information concerning habitat restoration and protection in existence at the time of preparation of the report, and a description of methods, procedures, and processes to assist State and local governments and other interested entities in carrying out projects for the protection and restoration of habitat that the Administrator determines to be appropriate.

''(g) BASINWIDE TOXICS REDUCTION.—

''(1) IN GENERAL.—The Administrator, in cooperation with the Chesapeake Executive Council, shall develop a comprehensive basinwide toxics reduction strategy (referred to in this subsection as the 'Strategy'). The Strategy shall, with respect to inputs of toxic pollutants to the Chesapeake Bay and the tributaries of the Bay, establish basinwide reduction objectives and describe actions that are necessary to achieve a multijurisdictional approach to the reduction of the inputs.

''(2) RESEARCH AND MONITORING.—The Administrator shall undertake such research and monitoring activities as the Administrator determines to be necessary for the improvement of the understanding of intermedia transfers of toxic pollutants and the ultimate fate of the pollutants within the Chesapeake Bay ecosystem.

''(3) ELEMENTS OF STRATEGY.—The Strategy shall include a process to assist signatory jurisdictions with—

''(A) improving the identification of the sources and transport mechanisms of toxic pollutant loadings to the Chesapeake Bay and the tributaries of the Bay from point and nonpoint sources; and

''(B) the periodic integration, in a consistent format and manner, of the information obtained pursuant to subparagraph (A) into a toxics loading inventory for the Chesapeake Bay.

''(4) DEADLINE FOR COMPLETION OF STRATEGY.—The Strategy shall be completed not later than 2 years after the date of enactment of this subsection.

''(5) FEDERAL ASSISTANCE.—The Administrator, in cooperation with the Chesapeake Executive Council, shall provide such financial and technical assistance as the Administrator determines to be necessary to—

''(A) by not later than 1 year after the date of enactment of this subsection, develop a process to assist signatory jurisdictions—

''(i) with improving the identification of the sources and transport mechanisms of toxic pollutant loadings to the Chesapeake Bay and the tributaries of the Bay from point and nonpoint sources; and

''(ii) with the periodic integration, in a consistent format and manner, of the information obtained pursuant to clause (i) into a toxics loading inventory for the Chesapeake Bay maintained pursuant to the Chesapeake Bay Program (referred to in this subsection as the 'Chesapeake Bay Program Toxics Loading Inventory'); and

''(B) by not later than 2 years after the date of enactment of this subsection, commence the implementation of toxics reduction, pollution prevention, and management actions designed to achieve the toxics reduction goals of the Chesapeake Bay Agreement.

''(6) ACTIONS.—The toxics reduction, pollution prevention, and management actions referred to in paragraph (5)(B) shall—

''(A) be based upon the findings and recommendations of a reevaluation of the Strategy; and

''(B) include targeted demonstration projects designed to reduce the level of toxic pollutant loadings from major sources identified in the Chesapeake Bay Program Toxics Loading Inventory.

''(h) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator, in cooperation with the Chesapeake Executive Council, the Secretary of Commerce (acting through the Administrator of the National Oceanic and Atmospheric Administration), the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), and the heads of such other Federal agencies as the Administrator determines to be appropriate, shall implement a coordinated research, monitoring, and data collection program to—

''(A) assess the status of, and trends in, the environmental quality and living resources of the major tributaries, rivers, and streams within the Chesapeake Bay watershed; and

''(B) assist in the development of management plans for the waters referred to in subparagraph (A).

''(2) CONTENTS OF PROGRAM.—The program referred to in paragraph (1) shall include—

''(A) a comprehensive inventory of water quality and living resource data for waters within the Chesapeake Bay watershed;

''(B) an assessment of major issues and problems concerning water quality in the Chesapeake Bay watershed, including the extent to which the waters provide for the protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife;

''(C) a program to identify sources of water pollution within the Chesapeake Bay watershed, including a system of accounting for sources of nutrients, and the movement of nutrients, pollutants, and sediments through the Chesapeake Bay watershed; and

''(D) the development of a coordinated Chesapeake Bay watershed land-use database that incorporates resource inventories and analyses for the evaluation of the effects of different land-use patterns on hydrological cycles, water quality, living resources, and other environmental features as an aid to making sound land-use management decisions.

''(3) MANAGEMENT STRATEGIES.—In a manner consistent with each applicable deadline established by the Chesapeake Executive Council, the Administrator, in consultation with the Chesapeake Executive Council, shall assist each signatory jurisdiction of the Chesapeake Bay Council in the development and implementation of a management strategy for each of the major tributaries of the Chesapeake Bay, designed for the achievement of—

''(A) a reduction, in a manner consistent with the terms of the Chesapeake Bay Agreement, in the quantity of nitrogen and phosphorous entering the main stem Chesapeake Bay; and

''(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay.

''(4) ASSISTANCE.—

''(A) IN GENERAL.—The Administrator, in consultation with the Chesapeake Executive Council, is authorized to provide technical and financial assistance to any State government, interstate entity, local government, or any other public or nonprofit private agency, institution, or organization in the Chesapeake Bay watershed to—

''(i) support the research, monitoring, and data collection program under this subsection;

''(ii) develop and implement cooperative tributary basin strategies that address the water quality and living resource needs; and

''(iii) encourage and coordinate locally based public and private watershed protection and restoration efforts that aid in the development and implementation of programs that complement the tributary basin strategies developed by the Chesapeake Executive Council.

''(B) GRANTS.—

''(i) IN GENERAL.—In providing financial assistance pursuant to subparagraph (A), the Administrator may carry out a grant program. Under the grant program, the Administrator may award a grant to any person (including the government of a State) who submits an application that is approved by the Administrator.

''(ii) FEDERAL SHARE.—A grant awarded under this subsection for a fiscal year shall not exceed an amount equal to 75 percent of the total annual cost of carrying out the activities that are the subject of the grant, and be awarded on the condition that the non-Federal share of the costs of the activities referred to in clause (i) is paid from non-Federal sources.

''(iii) WATERSHED PROTECTION AND RESTORATION.—As part of the grant program authorized under this paragraph, the Administrator may award a grant to a signatory jurisdiction to implement a program referred to in subparagraph (A)(iii).

''(C) PRIORITIZATION.—In carrying out the technical and financial assistance program under this subsection, the Administrator shall give priority to proposals that facilitate the participation of local governments and entities of the private sector in efforts to improve water quality and the productivity of living resources of rivers and streams in the Chesapeake Bay watershed.

''(D) COORDINATION WITH OTHER FEDERAL PROGRAMS.—The Administrator shall ensure that assistance made available under this subsection—

''(i) is consistent with the requirements of other Federal financial assistance programs;

''(ii) is provided in coordination with the programs referred to in subparagraph (A); and

''(iii) furthers the objectives of the Chesapeake Bay Program.

''(i) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than January 1, 1997, the Administrator, in cooperation with the Chesapeake Bay Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

''(1) evaluate the implementation of the Chesapeake Bay Agreement, including activities of the Federal Government and State and local governments;

''(2) determine whether Federal environmental programs and other activities adequately address the priority needs identified in the Chesapeake Bay Agreement;

''(3) assess the priority needs required by the Chesapeake Bay Program management strategies and how the priorities are being met; and

''(4) make recommendations for the improved management of the Chesapeake Bay Program.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this section $30,000,000 for each of fiscal years 1996 through 2001.''.

S. 937

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

SECTION 1. AUTHORIZATIONS OF APPROPRIATIONS.

Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended—

(1) by striking subsection (e) and inserting the following new subsection:

''(e) CHESAPEAKE BAY ESTUARINE RESOURCES OFFICE.—

''(1) OPERATION OF CHESAPEAKE BAY ESTUARINE RESOURCES OFFICE.—Of the sums authorized under subsection (a), to operate the Chesapeake Bay Estuarine Resources Office established under section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d), there are authorized to be appropriated—

''(A) $2,500,000 for each of fiscal years 1996 and 1997; and

''(B) $3,000,000 for each of fiscal years 1998 through 2000.

''(2) FUNDING FOR OYSTER DISEASE INVESTIGATIONS.—Of the sums authorized under subsection (a), to fund a program of investigations of oyster disease described in subsection (f), there are authorized to be appropriated $3,000,000 for each of fiscal years 1996 through 2000.

''(3) ADMINISTRATIVE EXPENSES.—Not more than 20 percent of the amounts authorized to be appropriated under this subsection may be used for administrative expenses of the Chesapeake Bay Estuarine Resources Office.''; and

(2) by adding at the end the following new subsection:

''(f) OYSTER DISEASE INVESTIGATIONS.—The Chesapeake Bay Estuarine Resources Office established under section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) shall conduct a program of investigations to—

''(1) improve the understanding of the etiology of the diseases of the eastern oyster (Crassostrea virginica); and

''(2) provide new scientific and management tools to counteract the consequences of diseases of oysters in the coastal waters of the United States, with particular emphasis on diseases of oysters in the Chesapeake Bay.''.

SEC. 2. AUTHORITIES OF THE DIRECTOR OF THE CHESAPEAKE BAY ESTUARINE RESOURCES OFFICE.

Section 307(a) of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d(a)) is amended—

(1) in paragraph (1), by inserting ''and operate'' after ''establish''; and

(2) by striking paragraph (3) and inserting the following new paragraph:

''(3) To carry out this section, the Director may—

''(A) appoint such additional personnel as may be necessary; and

''(B) transfer funds to another Federal department or agency or provide financial assistance to a department or agency of a State or political subdivision thereof or a nonprofit organization for conducting research, assessment, monitoring, data management, or outreach activities.''.

S. 938

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Chesapeake Bay Ballast Water Management Act of 1995''.

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.).

SEC. 2. AMENDMENTS TO THE NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990.

(a) AQUATIC NUISANCE SPECIES CONTROL PROGRAM.—Section 1101 (16 U.S.C. 4711) is amended—

(1) by striking the heading and inserting the following new heading:

''SEC. 1101. AQUATIC NUISANCE SPECIES CONTROL PROGRAM.'';

(2) by striking subsection (a) and inserting the following new subsection:

''(a) GUIDELINES.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Ballast Water Management Act of 1995, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the waters of the United States that result from the release of ballast water.

''(2) CONTENTS OF GUIDELINES.—The guidelines issued under this subsection shall—

''(A) ensure that, to the maximum extent practicable, ballast water containing aquatic nuisance species is not discharged into the waters of the United States;

''(B) take into consideration—

''(i) variations in the ecological conditions of coastal waters of the United States; and

''(ii) different vessel operating conditions;

''(C) not jeopardize the safety of—

''(i) any vessel; or

''(ii) the crew and passengers of any vessel;

''(D) provide for reporting by vessels concerning ballast water practices; and

''(E) be based on the best scientific information available.'';

(3) in subsection (b)—

(A) by striking the paragraph (3) added by section 302(b)(1) of the Water Resources Development Act of 1992 (106 Stat. 4839); and

(B) in the paragraph (3) added by section 4002 of the Oceans Act of 1992 (106 Stat. 5068)—

(i) by striking ''issue'' and inserting ''promulgate''; and

(ii) by adding at the end the following: ''Subject to the requirements of this subsection, the Secretary shall, on a periodic basis, promulgate such revised regulations as are necessary to ensure the prevention of the introduction and spread of aquatic nuisance species into the Hudson River.'';

(4) in subsection (c)—

(A) by striking ''subsection (b)'' and inserting ''this subsection''; and

(B) by striking ''(c) CIVIL PENALTIES.—'' and inserting the following:

''(4) CIVIL PENALTIES.—'';

(5) in subsection (d)—

(A) by striking ''subsection (b)'' and inserting ''this subsection''; and

(B) by striking ''(d) CRIMINAL PENALTIES.—'' and inserting the following:

''(5) CRIMINAL PENALTIES.—'';

(6) in subsection (e), by striking ''(e) CONSULTATION WITH CANADA.—'' and inserting the following:

''(6) CONSULTATION WITH CANADA.—'';

(7) in subsection (b), by striking ''(b) AUTHORITY OF SECRETARY.—(1)'' and inserting the following:

''(d) GREAT LAKES.—

''(1) IN GENERAL.—'';

(8) in subsection (d) (as redesignated by paragraph (7) of this subsection)—

(A) in paragraph (1)—

(i) by striking ''issue'' and inserting ''promulgate''; and

(ii) by adding at the end the following: ''Subject to the requirements of this subsection, the Secretary shall, on a periodic basis, promulgate such revised regulations as are necessary to ensure the prevention of the introduction and spread of aquatic nuisance species into the Great Lakes.'';

(B) in paragraph (2)—

(i) by striking ''(2) The regulations issued under this subsection shall—'' and inserting the following:

''(2) REQUIREMENTS FOR REGULATIONS.—The regulations promulgated under this subsection shall—'';

(ii) by indenting subparagraphs (A) through (I) appropriately; and

(iii) in subparagraph (A), by striking ''require'' and inserting ''cover''; and

(C) in paragraph (6) (as redesignated by paragraph (6) of this subsection), by striking ''the guidelines and regulations'' and inserting ''the regulations promulgated under this subsection''; and

(9) by inserting after subsection (a) the following new subsections:

''(b) EDUCATION AND TECHNICAL ASSISTANCE.—At the same time as the Secretary issues voluntary guidelines under subsection (a), the Secretary shall implement multilingual (as defined and determined by the Secretary) education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection. To the extent practicable, in carrying out the programs implemented under this subsection, the Secretary shall arrange to use the expertise, facilities, members, or personnel of established agencies and organizations that have routine contact with vessels, including the Animal and Plant Health Inspection Service of the Department of Agriculture, port administrations, and ship pilots associations.

''(c) REPORT TO CONGRESS.—Not later than 3 years after the issuance of guidelines under subsection (a), the Secretary shall submit to the Congress a report concerning—

''(1) the effectiveness of the voluntary guidelines; and

''(2) the need for a mandatory program to prevent the spread of aquatic nuisance species through the exchange of ballast water.''.

(b) BALLAST WATER CONTROL STUDIES.—

(1) HEADING.—The heading of section 1102 (16 U.S.C. 4712) is amended to read as follows:

''SEC. 1102. BALLAST WATER CONTROL STUDIES.''.

(2) ADDITIONAL STUDIES.—Section 1102(a) (16 U.S.C. 4712(a)) is amended by adding at the end the following new paragraphs:

''(4) BALLAST RELEASE PRACTICES.—

''(A) INITIAL STUDY.—Not later than the date of issuance of the guidelines required under section 1101(a), the Secretary shall conduct a study to determine trends in ballast water releases in the Chesapeake Bay and other waters of the United States that the Secretary determines to—

''(i) be highly susceptible to invasion from aquatic nuisance species; and

''(ii) require further study.

''(B) FOLLOWUP STUDY.—Not later than 2 years after the date of issuance of the guidelines required under section 1101(a), the Secretary shall conduct a followup study of the ballast water releases described in subparagraph (A) to determine the extent of compliance with the guidelines and the effectiveness of the guidelines in reducing the introduction and spread of aquatic nuisance species.

''(5) AQUATIC NUISANCE INVASIONS.—

''(A) INITIAL STUDY.—Not later than the date of issuance of the guidelines required under section 1101(a), the Task Force shall conduct a study to examine the attributes and patterns of invasions of aquatic nuisance species that occur as a result of ballast

water releases in the Chesapeake Bay and other waters of the United States that the Task Force determines to—

''(i) be highly susceptible to invasion from aquatic nuisance species; and

''(ii) require further study.

''(B) FOLLOWUP STUDY.—Not later than 2 years after the date of issuance of the guidelines required under section 1101(a), the Task Force shall conduct a followup study of the attributes and patterns described in subparagraph (A) to determine the effectiveness of the guidelines in reducing the introduction and spread of aquatic nuisance species.''.

(c) NAVAL BALLAST WATER PROGRAM.—Subtitle B (16 U.S.C. 4701 et seq.) is amended by adding at the end the following new section:

''SEC. 1103. NAVAL BALLAST WATER PROGRAM.

''Subject to operational conditions, the Chief of Naval Operations of the Department of the Navy, in consultation with the Secretary, the Task Force, and the International Maritime Organization, shall implement a ballast water management program for the seagoing fleet of the Navy to limit the risk of invasion by nonindigenous species resulting from releases of ballast water.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(a) (16 U.S.C. 4741(a)) is amended to read as follows:

''(a) PREVENTION OF UNINTENTIONAL INTRODUCTIONS.—There are authorized to be appropriated to develop and implement the provisions of subtitle B—

''(1) $500,000 to the department in which the Coast Guard is operating, for the period beginning with fiscal year 1996 and ending with fiscal year 2000, to be used by the Secretary to carry out the study under section 1102(a)(4);

''(2) $2,000,000 to the Task Force, for the period beginning with fiscal year 1996 and ending with fiscal year 2000, to be used by the Director and the Under Secretary (as co-chairpersons of the Task Force) to carry out the study under section 1102(a)(5); and

''(3) $1,250,000 to the department in which the Coast Guard is operating, for each of fiscal years 1996 through 2000, to be used by the Secretary for the development and implementation of the guidelines issued under section 1101(a) and the implementation and enforcement of the regulations promulgated under section 1101(d).''.

CHESAPEAKE BAY RESTORATION ACT OF 1995—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Establishes the title of the bill as the ''Chesapeake Bay Restoration Act of 1995.''

SECTION 2. FINDINGS AND PURPOSE

States that the purpose of the Act is to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

SECTION 3. CHESAPEAKE BAY

Definitions

Defines the terms, ''Chesapeake Bay Agreement,'' ''Chesapeake Bay Program,'' ''Chesapeake Bay Watershed,'' ''Chesapeake Executive Council,'' and ''Signatory Jurisdiction.

Continuation of Chesapeake Bay Program

Provides authority for EPA to lead and coordinate federal agency participation in the Chesapeake Bay Program, in cooperation with the Chesapeake Executive Council, and to maintain a Chesapeake Bay Program Office.

Directs the Chesapeake Bay Program Office to provide support and coordinate federal, state and local efforts in developing strategies and action plans and conducting system-wide monitoring and assessment to improve the water quality and living resources of the Bay.

Establishes a ''Chesapeake Bay Federal Agencies Committee'' to facilitate collaboration, cooperation and coordination among the agencies and programs of the federal government in support of the restoration of Chesapeake Bay.

Directs the committee to provide to the Congress a report on the activities being undertaken and planned and the resources being provided to assist in the Bay restoration effort.

Interstate development plan grants

Directs the Administrator to continue to make grants to states affected by the interstate management plan developed under the Chesapeake Bay Program if the state has approved and committed to implement the plan.

Federal facilities compliance

Requires each department, agency or instrumentality of the United States which owns or operates facilities within the Bay watershed to perform an annual assessment of their facilities to ensure consistency and compliance with the commitments, goals and objectives of the Bay program. Also requires the agencies to develop a detailed plan, funding mechanism and schedule for addressing or mitigating any potential impacts.

Habitat Restoration and Enhancement Demonstration Program

Establishes a habitat restoration and enhancement demonstration program to develop, demonstrate and showcase various low-cost techniques for restoring or enhancing wetlands, forest riparian zones and other types of habitat associated with the Chesapeake Bay and its tributaries.

Directs the Administrator, in cooperation with the Chesapeake Executive Council, to develop a plan for the protection and conservation of wetlands, contiguous riparian forests and other habitats within the Bay watershed, within two years from the date of enactment of the act.

Establishes a central clearinghouse to facilitate access to information about Bay watershed habitat locations, types, acreages, status and trends and restoration and design techniques.

Directs the Administrator to publish and disseminate on a periodic basis a habitat protection and restoration report describing methods, procedures and processes to guide State and local efforts in the protection and restoration of various types of habitat.

Basinwide toxics reduction

Authorizes EPA to assist the States in the implementation of specific actions to reduce toxics use and risks throughout the Bay watershed. Directs the Administrator to assist the States in improving data collection on the sources of toxic pollutants entering the Bay and integrating this information into the Chesapeake Bay Program Toxics Loading Inventory. Also directs the Administrator to begin implementing toxics reduction, pollution prevention and management actions, including targeted demonstration projects, to achieve the toxics reduction goals of the Bay Agreement.

Chesapeake Bay Watershed, Tributary and River Basin Program

Authorizes a comprehensive research, monitoring and data collection program to assess the status and trends in the environmental quality and living resources of the major tributaries, rivers and streams within the Chesapeake Bay watershed and to assist in the development of management plans for such waters. Directs the establishment of a system for accounting for sources of nutrients, and the movements of nutrients, pollutants and sediments through the watershed.

Provides for development of a coordinated Chesapeake Bay watershed land-use database, incorporating resource inventories and analyses, to provide information necessary to plan for and manage growth and development and associated impacts on the Bay system.

Encourages local and private sector participation in efforts to protect and restore the rivers and streams in the Bay watershed by establishing a technical assistance and small grants program.

Study of Chesapeake Bay Protection Program

Directs EPA to undertake an assessment of the Chesapeake Bay Program and evaluate implementation of the Bay Agreement. Also directs EPA to assess priority needs for the Bay and make recommendations for improved management of the program.

Authorizations

Authorizes $30 million for each of fiscal years 1996 through 2001 to be appropriated to the EPA to carry out the act.

CHESAPEAKE BAY BALLAST WATER MANAGEMENT ACT OF 1995—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Establishes the title of the bill as the ''Ballast Management Act of 1995.''

SECTION 2. AMENDMENT TO NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT

Amends the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 by adding the following provisions:

Ballast water guidelines

Directs the Secretary of Transportation, acting through the Coast Guard, to develop and publicize voluntary ballast water management guidelines for vessels entering U.S. waters, and to create a reporting mechanism to assess participation.

Not later than three years after the issuance of the voluntary guidelines, the Secretary must submit a report to Congress on the effectiveness of the guidelines and the need for a mandatory program to prevent the spread of aquatic nuisance species through ballast water.

Great Lakes Program

Continues in effect the existing regulatory program established by the Aquatic Nuisance Species Prevention and Control Act, as amended, for the Great Lakes and Hudson River.

Research

Directs the Secretary and the Aquatic Nuisance Species Task Force to undertake research to establish recent trends in ballast water releases and to examine the attributes and patterns of ballast-mediated invasions in the Chesapeake Bay and other U.S. waters.

These studies are to be conducted both prior to and two years following the issuance of voluntary guidelines so that the extent of compliance with the guidelines and the effectiveness of the guidelines in reducing the introduction and spread of aquatic nuisance species may be determined.

Naval Program

Directs the Chief of Naval Operations to implement a ballast water management program for the seagoing fleet of the Navy.

Authorizations

Authorizes a total of $2.5 million to the Coast Guard and the Aquatic Nuisance Species Task Force for the conduct of research required by the act.

Authorizes $1.25 million to the Coast Guard for each of fiscal years 1996 through 2000 for

the development and implementation of voluntary guidelines and the implementation and enforcement of regulations in the Great Lakes and Hudson River.

CHESAPEAKE BAY ESTUARINE RESOURCES ACT OF 1995—SECTION-BY-SECTION ANALYSIS

SECTION 1. AUTHORIZATION OF APPROPRIATIONS

Reauthorizes the National Oceanic and Atmospheric Administration's Chesapeake Bay Estuarine Resources Office through the year 2000.

Authorizes $3,000,000 for each fiscal year through 2000 for investigations to improve understanding of oyster diseases and provide new scientific and management tools to counteract the consequences of oyster disease.

SECTION 2. AUTHORITIES OF THE DIRECTOR

Clarifies the authority of the Office Director to establish that the Office may provide financial assistance to federal, state, and local governments as well as non-profit organizations for the conduct of activities necessary to carry out the act, including research, monitoring and data management.

CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PILOT PROGRAM—SECTION-BY-SECTION ANALYSIS

SECTION 1. PROGRAM

Instructs the Secretary of the Army to provide assistance to non-federal interests in the form of design and construction assistance for water-related infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary. Such projects include sediment and erosion control, protection of essential public works such as wastewater treatment facilities, use of dredge material for beneficial purposes such as habitat restoration, and other projects that enhance the living resources of the estuary.

Only publicly owned and operated projects qualify for assistance. The Federal share of the cost of each such projects shall be 75%.

Directs the Secretary to establish at least one project in each of the states of Maryland, Virginia and Pennsylvania.

Authorizes $30,000,000 to carry out this section for fiscal years 1996 through 1998, which amount shall remain available, without regard to fiscal year, until expended.

RIPARIAN FOREST BUFFER PILOT PROGRAM ESTABLISHMENT ACT—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Establishes the title of the Act as the ''Riparian Forest Pilot Program Establishment Act.''

SECTION 2. RIPARIAN FOREST PILOT PROGRAM

In general

Amends the Food Security Act Conservation Reserve Program by directing the Secretary of Agriculture to establish a program to promote the development of riparian forest buffers in designated conservation priority areas for the purpose of improving water quality and living resources in such areas.

Eligible lands

Authorizes the Secretary to include in the program crop or pasture land that, when converted to a forest buffer, will intercept the flow of pollutants into surface or ground water or accomplish specific objectives for terrestrial and aquatic habitat identified by the Secretary.

Duration, modification and extension of contracts

Authorizes the Secretary to (1) enter into new contracts with land owners or operators for the lease of eligible lands for a period of up to 20 years, (2) modify existing contracts to meet the program eligibility criteria, and (3) extend the duration of existing or modified contracts meeting eligibility criteria for a period of 20 years.

Duty of Secretary

Directs the Secretary, in enrolling lands under the Conservation Reserve Program, to give priority to those lands that meet the criteria for the riparian buffer program, and to ensure, to the extent practicable, that at least 20% of enrolled lands in designated conservation priority areas meet the eligibility criteria.

Technical assistance

Directs the Secretary, acting through the Natural Resources Conservation Service and the Forest Service, to provide technical assistance for the design, establishment and maintenance of forest buffers.

Cost share assistance

Authorizes the Secretary to pay 100 percent of the cost for the design, establishment and short-term maintenance of riparian buffers.

Selective harvest

Permits program participants to selectively harvest mature timber with the approval of the Secretary, provided such harvest does not defeat the purposes of the riparian forest program.

By Mr. LEAHY (for himself, Mr. BRADLEY, Mr. GRAHAM, Mr. DASCHLE, Mr. SIMON, Mr. INOUYE, Mr. JEFFORDS, Mr. REID, Mr. HATFIELD, Mr. FORD, Mr. HARKIN, Mr. SARBANES, Mr. FEINGOLD, Mr. KOHL, Mr. LAUTENBERG, Mr. DODD, Mr. KERRY, Mrs. KASSEBAUM, Ms. MOSELEY-BRAUN, Mr. BUMPERS, Mr. KENNEDY, Mrs. BOXER, Mr. PELL, Mr. CHAFEE, Mr. DORGAN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. SIMPSON, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BRYAN, Mr. MOYNIHAN, Mr. KERREY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. CONRAD, Mr. JOHNSTON, Mr. PRYOR, Mr. BREAUX, Mr. EXON, and Mr. CAMPBELL):

S. 940. A bill to support proposals to implement the U.S. goal of eventually eliminating antipersonnel landmines; to impose a moratorium on use of antipersonnel landmines except in limited circumstances; to provide for sanctions against foreign governments that export antipersonnel landmines, and for other purposes; to the Committee on Foreign Relations.

THE 1995 LANDMINE USE MORATORIUM ACT

Mr. LEAHY. Mr. President, earlier today, I spoke of a worldwide scourge of landmines and the use of antipersonnel landmines. I noted that there have been few times in history when the nations of the world joined together to outlaw the use of a weapon of war.

It was done with chemical and biological weapons, because it was understood that once they were unleashed, they could not be controlled. They maim or kill whoever comes in contact with them, and they do that whether it is civilians or combatants. In fact, if they are in the hands of terrorists, they could wreak havoc on whole societies. We had a terrifying glimpse of that in Japan a few months ago.

Now, while chemical weapons are relatively easy to produce, the political cost of using them is enormous. There is worldwide revulsion if they are used, and any perpetrator is branded a war criminal, a pariah, and ostracized by the entire world community. And so we ban them.

We did the same with dum dum bullets, which expand on contact with the human body and cause horrific injuries. They have been outlawed for a century.

I mention this because every weapon may have some military utility, as do chemical weapons and dum dum bullets. Some have been repudiated as inhumane and a violation of the laws of war.

That is what Civil War General Sherman that about landmines over a century ago. Sherman was no humanitarian, but he condemned landmines as ''a violation of civilized warfare.'' It was in the Civil War that landmines—actually live artillery shells, were first concealed beneath the surface of roads, in houses, even concealed in flour barrels, where they maimed and killed soldiers and civilians alike. But even though Sherman and others condemned them, they have been used ever since in steadily increasing numbers.

Today, vast areas of many countries have become deathtraps from millions of unexploded landmines. The State Department estimates that there are 80 to 110 million of these tiny explosives in 62 countries, each one waiting to explode from the pressure of a footstep.

To give you an idea, Mr. President, this is a landmine in my hand. I am sure my colleagues know it is a deactivated landmine, but this is a landmine. It is tiny and costs $3 or $4 to produce. It is all rubber or plastic except for one tiny piece of metal about the size of a thumbtack. So it is nearly undetectable. If this had been real, in just touching it like this, my arm would be gone and most of my face would be gone. If you step on it, your leg is gone. If you are a child, you are probably killed. Children are killed daily on these. In fact, every day, it is estimated that 70 people are maimed or killed by landmines. That is one person every 22 minutes. That is 26,000 people every year. Most of them are not combatants. They are civilians going about their daily lives—bringing their animals to a field, collecting wood, or they are getting water, or going to market, or they are going to business. They are like Ken Rutherford, a humanitarian worker from Colorado, working with others in Africa.

He hit a landmine. As he described it in his very painful and very graphic testimony before the Senate, he sat there holding his foot in his hand, trying to figure out how he could put it back on. Of course, he never did. And there was surgery after surgery. We watched him walk painfully to the

table where he testified before the Senate.

These pictures, Mr. President, behind me, tell a gruesome story. But, in a way, these are the lucky ones—lucky because they survived, but unlucky that they are in a country where they will face a lifetime of hardship.

There are tens of thousands of people like them. Many others die, just from a lack of blood or from shock, before they can reach a hospital. In many of these countries the hospitals are overwhelmed.

I do not have the slightest doubt, Mr. President, that any Member of the Senate, Republican or Democrat, could not see what I have seen without feeling as passionately as I do. Young children with their legs blown off at the knees, mothers with an arm or leg missing, hospital rows filled with rows of amputees. I have visited these hospitals.

My wife, a registered nurse, has visited these hospitals. We know what they are like. Tim Rieser, from my staff, has traveled to all parts of the world to see what landmines have done.

Senators JOHNSTON and SPECTER, Senators SIMPSON and NICKLES saw firsthand what mines can do when they visited a center for amputees in Vietnam. Most people have not been to Vietnam, Afghanistan, Cambodia, Bosnia, Angola, or Mozambique where mines have been a fact of daily life and, in most places, still are. There you see, over and over, the terrible human tragedy these insidious weapons cause.

Civilians are not the only victims of landmines. They have become the scourge of the U.N. peacekeepers. An article in this week's issue of Defense Week is titled, ''If U.S. Troops Get the Call in Bosnia, Mines Will Pose Serious Threat.'' It says American troops sent to former Yugoslavia would have to combat an estimated 1.7 million mines in Bosnia alone. It says that mines have been used by all sides in that war to intimidate U.N. peacekeepers.

We are called in there as the most powerful nation history has ever known. But we will be facing $3 and $4 and $5 and $8 landmines and be brought to the level of just about any other country, powerful or otherwise.

Landmines have become a cheap, popular weapon in Third World countries, the same countries where American troops are likely to be sent in the future. The $2 or $3 antipersonnel mine hidden under a layer of sand or dust can blow the leg off the best-trained, best-equipped American soldier, even though he or she represents the most powerful nation on earth.

Two years ago, almost no one was paying attention to this global crisis. Then the U.S. Senate passed my amendment for a moratorium on the export of antipersonnel landmines. Republicans and Democrats together joined to pass that.

The amendment had one goal: To challenge other countries to join with us to stop the spread of these hidden killers. As I spoke to the leaders of the other countries, I could tell them this was something—and probably the only thing during that same Congress—that united Senators as nothing else had, no matter what their party or political philosophy.

With the public pressure that grew out of that and the efforts of people around this world, 26 countries have now halted all or most of their exports of antipersonnel landmines in just 2 years, starting with what we were able to do here. Mr. President, 26 countries have halted all or most of their exports of antipersonnel landmines.

If, in my 21 years, I had to point to what I was most proud of, I could not think of anything I could be more proud of or have more pride in than knowing men and women both in this body and in parliamentary bodies around the world who have joined with the Senate.

Last September, in a historic speech to the U.N. General Assembly, President Clinton announced the goal of eventually eliminating antipersonnel landmines. On December 15, the 184 members of the U.N. General Assembly passed a resolution calling for further steps toward the eventual elimination of antipersonnel landmines.

This is the first time since the banning of chemical weapons that the nations of the world have singled out a type of weapon for total elimination. It reflects a growing worldwide consensus that these weapons are unacceptable because they are indiscriminate.

They are so cheap, so easy to mass produce, so easy to conceal and transport and scatter by the thousands. They cannot be controlled. They are used routinely to terrorize civilian populations.

In March of this year, Belgium passed a law prohibiting production, export, and use of antipersonnel mines. Belgium had been a major producer. Now they have outlawed them. Norway did the same just last week. Half a dozen other countries have declared support for a global ban on these weapons.

U.N. Secretary-General Boutros-Ghali, Pope John Paul II, former President Jimmy Carter, American Red Cross President Elizabeth Dole, these are but a few of the world leaders who have called for an end to the use of antipersonnel mines.

But despite this progress, the use of landmines continues unabated. Millions of new mines are being produced each year, and today the Russians are dropping them by the thousands, out of airplanes, over Chechnya.

Mr. President, today I introduce legislation that builds on the steps we have taken. It would impose a 1-year moratorium on the use of antipersonnel mines, to take effect 3 years from the date of enactment.

It would permit the use of these mines along international borders, for example between North and South Korea, in minefields that are monitored to keep out civilians. It also permits the use of Claymore mines, which are used to guard a perimeter, and antitank mines.

The purpose of the legislation is simple: Like the landmine export moratorium and the nuclear testing moratorium, it aims, by setting an example, to challenge other countries to join to bring an end to the mass destruction in slow motion caused by landmines.

As a step toward that goal, it would temporarily halt the scattering of antipersonnel mines that cause such a massive number of civilian casualties. One person who has worked on this in Cambodia said, sitting in my office in Burlington, VT, ''Yes, we clear landmines in Cambodia. We clear them an arm and a leg at a time.''

In addition, my legislation would provide for sanctions against countries that continue to export antipersonnel mines.

Mr. President, this is a global crisis. Even with all of our power, the United States cannot solve it alone. But neither will it be solved without strong U.S. leadership.

That is what the legislation does. It sets an example. It says, ''For 1 year, we will take time out.'' We will challenge other countries to live up to what they said at the United Nations last December when they agreed to work to rid the world of these weapons.

Every ambassador from other countries I have talked to, every leader, every foreign minister, has told me in words the same thing: If the United States, the most powerful nation history has ever known, if the United States cannot set the moral leadership, this will not be done. But if the United States sets the example, then it can be done.

Our people will be safer. The people in 180 other countries ultimately will be safer, certainly the people of the 60 or more countries that are littered with mines can now begin to get rid of them. With 500 new landmine casualties each week, resolutions are not enough. We have to jolt the world out of complacency. Only the United States can do that.

I have two minds about this legislation. I believe it could be the spark that leads to international cooperation to stop this senseless slaughter, because what we do is being watched around the globe, and there is great support.

It will take a determined effort over the next few years, but if our leadership gets other governments to join, and I believe it will, Americans who are sent into harm's way in the future will have far more to gain from what we do here. Whether we send our men and women in uniform, whether we send our people on humanitarian missions, whatever else, to the other parts of the world, they will be safer because of what we can do here.

At the same time, it is only a 1-year moratorium and does not take effect for 3 years. Between now and then,

82,000 people will die or be horribly maimed by landmines.

Frankly, Mr. President, this legislation is the least we can do as the world's only superpower with by far the most powerful military. It is the least we can do to stigmatize these weapons, because they are indiscriminate and inhumane, whether they are the simple $2 or $3 type or the more complex self-destructive type.

What is our alternative? To accept that large areas of the world will be forever littered with hidden deadly explosives? I cannot accept that. Or that every 22 minutes of every day of every year someone, often a child, usually a civilian, will lose a leg or an arm, or life, as the result of a landmine? I and the 40 other Senators of both parties sponsoring this legislation cannot accept that. It is a global catastrophe. Landmines are causing more unnecessary suffering than any other weapon of war, and people everywhere are calling for the end of this.

Today, if armies leave the field they take their weapons with them. They take away their guns, their tanks, and their cannons. But they leave behind landmines that continue to kill long after anybody even remembers what the armies were fighting about. Long after their leaders, their generals, their politicians are dead and gone, the landmines stay there. It is the weapon that keeps on killing.

There are some weapons that are so inhumane they do not belong on this Earth. Antipersonnel landmines are in that category. This is not a weapon we need for our national security. It is a terrorist weapon used most often against the defenseless, like these children here who are no threat to anybody. They are the victims. It is, above all, a moral issue.

I want to close with a quote from Archbishop Desmond Tutu, because he has spoken eloquently about the 20 million landmines in Africa that have already destroyed so many innocent lives. Archbishop Tutu said:

> Anti-personnel landmines are not just a crime perpetrated against people, they are a sin. Why has the world been so silent about these obscenities? It is because most of the victims of landmines are neither heard nor seen.

Mr. President, the legislation I am introducing today shows that we do hear, that we do see, and we are going to stop this.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 941. A bill to provide for the termination of the status of the College Construction Loan Insurance Association (''the Corporation'') as a Government-sponsored enterprise, to require the Secretary of Education to divest himself of the Corporation's stock, and for other purposes; to the Committee on Labor and Human Resources.

THE COLLEGE CONSTRUCTION LOAN INSURANCE ASSOCIATION PRIVATIZATION ACT OF 1995

● Mr. DODD. Mr. President, I am pleased to introduce legislation offered by the Clinton administration to privatize the College Construction Loan Insurance Association, better known as Connie Lee. I am pleased to be joined in the effort by the ranking member of the committee, Senator KENNEDY.

Connie Lee was created in the Higher Education Act Amendments of 1986, and I was pleased to have shepherded this part of that larger effort through the Congress. So it is particularly rewarding for me to be here today to begin this exciting transition for Connie Lee.

Connie Lee was created with a vital and focused mission—to assist colleges in the repair, modernization, and construction of their facilities. Like many institutions, colleges, and universities need multiyear financing to keep up with their construction and renovation needs. For institutions with strong financial backing and large endowments, issuing bonds and securing capital has not been a major problem. Institutions that are less secure and have a lower bond rating, however, face major obstacles in obtaining the necessary financing.

It was clear to us in 1986 that we, as a nation, have a major stake in assuring that our higher education institutions both literally and figuratively sit on a strong foundation. Connie Lee was created to address this need and, since its incorporation in 1987, it has provided increased access to the bond markets for nearly 100 needy institutions through bond insurance. Connie Lee has insured bond issues totaling just over $2.5 billion and has assisted institutions such as the University of Denver, the University of Massachusetts Medical School, several community colleges, and numerous other institutions in nearly every State.

With its significant record, Connie Lee has clearly proven its maturity and strength. Since its founding, Connie Lee has maintained its triple-A financial rating, and a recent Standard and Poor's report confirmed its strong financial position. Connie Lee is clearly ready for privatization. Even though the original Federal investment of $19 million was small, every dollar is clearly needed in our effort to eliminate the budget deficit.

The administration's bill is quite straightforward. It would repeal the section of the Higher Education Act that authorized the creation of Connie Lee and governs its activities. In addition, it would provide for the Secretary of the Treasury to sell the 15-percent share the Government holds in Connie Lee.

The Subcommittee on Education, Arts and Humanities of the Labor and Human Resources Committee will hold hearings on this matter, as well as the proposal to privatize Sallie Mae early next week. While I think the administration's proposal is clearly a good start, there are some important issues for us to examine in the committee.

These issues are modest, however, and I hope that the committee can move quickly on this important and ground-breaking legislation.●

By Mr. BOND (for himself, Mr. DOMENICI, Mr. WARNER, Mrs. HUTCHISON, Mr. BURNS, Mr. FRIST, and Mr. COVERDELL):

S. 942. A bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitary regulatory enforcement actions against small entities, and for other purposes; to the Committee on Small Business.

THE SMALL BUSINESS REGULATORY FAIRNESS ACT OF 1995

● Mr. BOND. Mr. President, today I am announcing the opening of a new front in our fight against oppressive, onerous, and overly meddlesome Government regulations. I believe this new front will, for the time, take the fight outside the beltway and attack regulations and agencies where they impact people in their day-to-day lives.

Since the election, there has been tremendous activity in reforming the way Federal agencies develop and issue regulations, and I have been deeply involved in this effort as cochair, along with Senator KAY BAILEY HUTCHISON, of the Senate Republican Regulatory Relief Task Force. As we speak, we are working with Senator DOLE and others on his Comprehensive Regulatory Reform Act, S. 343. These efforts are vitally important if we are to slow runaway regulation and better control Federal agencies. Equally important for small business is to add some meaningful judicial enforcement provisions to the Regulatory Flexibility Act, and I have introduced legislation to accomplish this.

All of these efforts focus on changing the way agencies enact regulations. Today, I announce an effort to reform the way Government officials enforce Federal regulations. After all, most people, most small business people, do not have the time to concern themselves with the process of reviewing and commenting on proposed and final rules in the Federal Register. Small businesses have to deal with regulations when the regulator shows up on the doorstep to inspect their facility or to enforce a new Federal mandate. As chairman of the Senate Committee on Small Business, I have heard numerous horror stories about burdensome regulations. But as I have listened and learned from businessmen and women with real life problems, I have become increasingly convinced that the enforcement of regulations is a problem as troublesome as the regulations themselves.

Today I am introducing legislation to make fundamental changes in the way regulatory agencies think about small

business. It should be every regulatory agency's mission to encourage compliance by making rules easier to understand and by not enforcing their regulations in a way that unnecessarily frustrates law abiding small businesses. To this end, my bill includes a three part attack on unfair enforcement of Government regulations.

First, small businesses should be able to understand what is expected of them. I want small businesses to know that if they are playing by the rules of the game as expressed in plain English compliance guides the agencies will be required to print, then they have nothing to fear from inspectors. Sound like common sense? It should be, but for too long agencies like EPA and OSHA have refused to tell businesses how they can avoid the threat of regulatory action. Like the merchant who responds to questions about his product with the phrase caveat emptor, some regulators have taken the attitude that it is not their responsibility to make complying with the law easy, preferring instead to punish small business owners who deviate in the smallest way from the most complicated regulation.

The second part of my bill is designed to give small businesses a place to voice complaints about excessive, unfair or incompetent enforcement of regulations, with the knowledge that their voices will be heard. My bill sets up regional Small Business and Agriculture Ombudsmen through the Small Business Administration's offices around the country to give small businesses assurance that their confidential complaints and comments will be recorded and heard. These Ombudsmen also will coordinate the activities of volunteer Small Business Regulatory Fairness Boards, made up of small business people from each region. These boards will be able to investigate and make recommendations about troublesome patterns of enforcement activities. Any small business that is subject to an inspection or enforcement action will have the chance to rate and critique the inspectors or lawyers they deal with. In dealing with small businesses today, agencies sometimes seem to assume that every one is a violator of their rules, trying to get away with something. Some agencies do a good job of fulfilling their legal mandate while assisting small business, but many agencies seem stuck in an enforcement mentality where everyone is presumed guilty until proven innocent. I think we should let small businesses compare their dealings with one agency to dealings with another so that the abusive agencies or agents can be weeded out and exposed. Agencies should be vying to see which can fulfill their statutory mandate in a way that helps and empowers small business. We need direct feedback from small businessmen and women around the country on how well the regulators are doing their jobs.

The third part of the legislation will create some financial accountability at Federal agencies and level the playing field for small businesses when they disagree with a fine or penalty imposed on them this bill will make the Government inspectors and lawyers responsible for their actions in assessing fines, penalties, and citations because it will allow small businesses to recover their legal costs from the Government when the enforcers and the lawyers have been unreasonable. If Federal agencies make excessive demands that they can not sustain in court, then the Federal agency will have to pay the legal fees of the small business. Small businessmen and women in American are more than willing to comply with regulations and pay appropriate penalties when they are in the wrong. But it is time we put a stop to powerful Federal agencies swooping down on small businesses and insisting on unreasonable fines just because they agency enjoys an enormous financial and resource advantage and can afford an expensive and time consuming court challenge. If the small business can reduce or eliminate the penalty, this bill will require the legal costs to be paid directly out of the agency's budget.

On Monday of this week, the President told the White House conference that he wants Government regulators to stop treating small business men and women as criminals and start treating them as partners or customers. I believe this legislation will make that goal a reality and bring much needed relief to small businesses across the country. I hope the President will follow through on his speech to small business and join with the National Federation of Independent Businesses in supporting this bill. I urge all of my colleagues to join with me in supporting small business by supporting this legislation.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

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

S. 942

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 ''Small Business Regulatory Fairness Act of 1995''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
TITLE I—REGULATORY SIMPLIFICATION AND VOLUNTARY COMPLIANCE
Sec. 101. Definitions.
Sec. 102. Compliance guides.
Sec. 103. No action letter.
Sec. 104. Voluntary self-audits.
Sec. 105. Defense to enforcement actions.
TITLE II—SMALL BUSINESS RESPONSIVENESS OF COVERED AGENCIES
Sec. 201. Small business and agriculture ombudsman.
Sec. 202. Small business regulatory fairness boards.
Sec. 203. Services provided by small business development centers.
TITLE III—FINANCIAL ACCOUNTABILITY OF COVERED AGENCIES RELATING TO FEES AND EXPENSES
Sec. 301. Administrative proceedings.
Sec. 302. Judicial proceedings.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to change the relationship between regulators and small entities;

(2) to ameliorate the concern of small entities regarding the effects of arbitrary Federal regulatory enforcement actions on small entities;

(3) to increase the comprehensibility of Federal regulations affecting small entities;

(4) to make Federal regulators accountable for their actions; and

(5) to provide small entities with a meaningful opportunity for the redress of arbitrary enforcement actions by Federal regulators.

TITLE I—REGULATORY SIMPLIFICATION AND VOLUNTARY COMPLIANCE

SEC. 101. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) COMPLIANCE GUIDE.—The term ''compliance guide'' means a publication made by a covered agency under section 102(a).

(2) COVERED AGENCY.—The term ''covered agency'' has the same meaning as in section 30(a) of the Small Business Act (as added by section 201 of this Act).

(3) NO ACTION LETTER.—The term ''no action letter'' means a written determination from a covered agency stating that, based on a no action request submitted to the agency by a small entity, the agency will not take enforcement action against the small entity under the rules of the covered agency.

(4) NO ACTION REQUEST.—The term ''no action request'' means a written correspondence submitted by a small entity to a covered agency—

(A) stating a set of facts; and

(B) requesting a determination by the agency of whether the agency would take an enforcement action against the small entity based on such facts and the application of any rule of the agency.

(5) RULE.—The term ''rule'' has the same meaning as in section 601(2) of title 5, United States Code.

(6) SMALL ENTITY.—The term ''small entity'' has the same meaning as in section 601(6) of title 5, United States Code.

(7) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the same meaning as in section 3 of the Small Business Act.

(8) VOLUNTARY SELF-AUDIT.—The term ''voluntary self-audit'' means an audit, assessment, or review of any operation, practice, or condition of a small entity that—

(A) is initiated by an officer, employee, or agent of the small entity; and

(B) is not required by law.

SEC. 102. COMPLIANCE GUIDES.

(a) COMPLIANCE GUIDE.—

(1) PUBLICATION.—If a covered agency is required to prepare a regulatory flexibility analysis for a rule or group of related rules under section 603 of title 5, United States Code, the agency shall publish a compliance guide for such rule or group of related rules.

(2) REQUIREMENTS.—Each compliance guide published under paragraph (1) shall—

(A) contain a summary description of the rule or group of related rules;

(B) contain a citation to the location of the complete rule or group of related rules in the Federal Register;

(C) provide notice to small entities of the requirements under the rule or group of related rules and explain the actions that a small entity is required to take to comply with the rule or group of related rules;

(D) be written in a manner to be understood by the average owner or manager of a small entity; and

(E) be updated as required to reflect changes in the rule.

(b) DISSEMINATION.—

(1) IN GENERAL.—Each covered agency shall establish a system to ensure that compliance guides required under this section are published, disseminated, and made easily available to small entities.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—In carrying out this subsection, each covered agency shall provide sufficient numbers of compliance guides to small business development centers for distribution to small businesses concerns under section 21(c)(3)(R) of the Small Business Act (as added by section 202 of this Act).

(c) LIMITATION ON ENFORCEMENT.—

(1) IN GENERAL.—No covered agency may bring an enforcement action in any Federal court or in any Federal administrative proceeding against a small entity to enforce a rule for which a compliance guide is not published and disseminated by the covered agency as required under this section.

(2) EFFECTIVE DATES.—This subsection shall take effect—

(A) 1 year after the date of the enactment of this Act with regard to a final regulation in effect on the date of the enactment of this Act; and

(B) on the date of the enactment of this Act with regard to a regulation that takes effect as a final regulation after such date of enactment.

SEC. 103. NO ACTION LETTER.

(a) APPLICATION.—This section applies to all covered agencies, except—

(1) the Federal Trade Commission;

(2) the Equal Employment Opportunity Commission; and

(3) the Consumer Product Safety Commission.

(b) ISSUANCE OF NO ACTION LETTER.—Not later than 90 days after the date on which a covered agency receives a no action request, the agency shall—

(1) make a determination regarding whether to grant the no action request, deny the no action request, or seek further information regarding the no action request; and

(2) if the agency makes a determination under paragraph (1) to grant the no action request, issue a no action letter and transmit the letter to the requesting small entity.

(c) RELIANCE ON NO ACTION LETTER OR COMPLIANCE GUIDE.—In any enforcement action brought by a covered agency in any Federal court, or Federal administrative proceeding against a small entity, the small entity shall have a complete defense to any allegation of noncompliance or violation of a rule if the small entity affirmatively pleads and proves by a preponderance of the evidence that the act or omission constituting the alleged noncompliance or violation was taken in good faith with and in reliance on—

(1) a no action letter from that agency; or

(2) a compliance guide of the applicable rule published by the agency under section 102(a).

SEC. 104. VOLUNTARY SELF-AUDITS.

(a) INADMISSIBILITY OF EVIDENCE AND LIMITATION ON DISCOVERY.—The evidence described in subsection (b)—

(1) shall not be admissible, unless agreed to by the small entity, in any enforcement action brought against a small entity by a Federal agency in any Federal—

(A) court; or

(B) administrative proceeding; and

(2) may not be the subject of discovery in any enforcement action brought against a small entity by a Federal agency in any Federal—

(A) court; or

(B) administrative proceeding.

(b) APPLICATION.—For purposes of subsection (a), the evidence described in this subsection is—

(1) a voluntary self-audit made in good faith; and

(2) any report, finding, opinion, or any other oral or written communication made in good faith relating to such voluntary self-audit.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the act or omission that forms the basis of the enforcement action is a violation of criminal law; or

(2) the voluntary self-audit or the report, finding, opinion, or other oral or written communication was prepared for the purpose of avoiding disclosure of information required for an investigative, administrative, or judicial proceeding that, at the time of preparation, was imminent or in progress.

SEC. 105. DEFENSE TO ENFORCEMENT ACTIONS.

(a) IN GENERAL.—No covered agency may impose a fine or penalty on a small entity if the small entity proves by a preponderance of the evidence that—

(1) the covered agency rule is vague or ambiguous; and

(2) the interpretation by the small entity of the rule is reasonable considering the rule and any applicable compliance guide.

(b) INTERPRETATION OF RULE.—In determining whether the interpretation of a rule by a small entity is reasonable, no deference shall be given to any interpretation of the rule by the agency that is not included in a compliance guide.

TITLE II—SMALL BUSINESS RESPONSIVENESS OF COVERED AGENCIES

SEC. 201. SMALL BUSINESS AND AGRICULTURE OMBUDSMAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 30 as section 31; and

(2) by inserting after section 29 the following new section:

"SEC. 30. OVERSIGHT OF REGULATORY ENFORCEMENT.

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) BOARD.—The term 'Board' means a Small Business Regulatory Fairness Board established under subsection (c).

''(2) COVERED AGENCY.—The term 'covered agency' means any agency that, as of the date of enactment of the Small Business Regulatory Fairness Act of 1995, has promulgated any rule for which a regulatory flexibility analysis was required under section 605 of title 5, United States Code, and any other agency that promulgates any such rule, as of the date of such promulgation.

''(3) OMBUDSMAN.—The term 'ombudsman' means a Regional Small Business and Agriculture Ombudsman designated under subsection (b).

''(4) REGION.—The term 'region' means any area for which the Administrator has established a regional office of the Administration pursuant to section 4(a).

''(5) RULE.—The term 'rule' has the same meaning as in section 601(2) of title 5, United States Code.

''(b) OMBUDSMAN.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Small Business Regulatory Fairness Act of 1995, the Administrator shall designate in each region a senior employee of the Administration to serve as the Regional Small Business and Agriculture Ombudsman in accordance with this subsection.

''(2) DUTIES.—Each ombudsman designated under paragraph (1) shall—

''(A) on a confidential basis, solicit and receive comments from small business concerns regarding the enforcement activities of covered agencies;

''(B) based on comments received under subparagraph (A), annually assign and publish a small business responsiveness rating to each covered agency;

''(C) publish periodic reports compiling the comments received under subparagraph (A);

''(D) coordinate the activities of the Small Business Regulatory Fairness Board established under subsection (c); and

''(E) establish a toll-free telephone number to receive comments from small business concerns under subparagraph (A).''.

SEC. 202. SMALL BUSINESS REGULATORY FAIRNESS BOARDS.

Section 30 of the Small Business Act (as added by section 201 of this Act) is amended by adding at the end the following new subsection:

''(c) SMALL BUSINESS REGULATORY FAIRNESS BOARDS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Small Business Regulatory Fairness Act of 1995, the Administrator shall establish in each region a Small Business Regulatory Fairness Board in accordance with this subsection.

''(2) DUTIES.—Each Board established under paragraph (1) shall—

''(A) advise the ombudsman on matters of concern to small business concerns relating to the enforcement activities of covered agencies;

''(B) conduct investigations into enforcement activities by covered agencies with respect to small business concerns;

''(C) issue advisory findings and recommendations regarding the enforcement activities of covered agencies with respect to small business concerns;

''(D) review and approve, prior to publication—

''(i) each small business responsiveness rating assigned under subsection (b)(2)(B); and

''(ii) each periodic report prepared under subsection (b)(2)(C); and

''(E) prepare written opinions regarding the reasonableness and understandability of rules issued by covered agencies.

''(3) MEMBERSHIP.—Each Board shall consist of—

''(A) 1 member appointed by the President;

''(B) 1 member appointed by the Speaker of the House of Representatives;

''(C) 1 member appointed by the Minority Leader of the House of Representatives;

''(D) 1 member appointed by the Majority Leader of the Senate; and

''(E) 1 member appointed by the Minority Leader of the Senate.

''(4) PERIOD OF APPOINTMENT; VACANCIES.—

''(A) PERIOD OF APPOINTMENT.—

''(i) PRESIDENTIAL APPOINTEES.—Each member of the Board appointed under subparagraph (A) of paragraph (2) shall be appointed for a term of 3 years, except that the initial member appointed under such subparagraph shall be appointed for a term of 1 year.

''(ii) HOUSE OF REPRESENTATIVES APPOINTEES.—Each member of the Board appointed under subparagraph (B) or (C) of paragraph (2) shall be appointed for a term of 3 years, except that the initial members appointed under such subparagraphs shall each be appointed for a term of 2 years.

''(iii) SENATE APPOINTEES.—Each member of the Board appointed under subparagraph (D) or (E) of paragraph (2) shall be appointed for a term of 3 years.

''(B) VACANCIES.—Any vacancy on the Board—

''(i) shall not affect the powers of the Board; and

''(ii) shall be filled in the same manner and under the same terms and conditions as the original appointment.

''(5) CHAIRPERSON.—The Board shall select a Chairperson from among the members of the Board.

''(6) MEETINGS.—

''(A) IN GENERAL.—The Board shall meet at the call of the Chairperson.

''(B) INITIAL MEETING.—Not later than 90 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting.

''(7) QUORUM.—A majority of the members of the Board shall constitute a quorum for the conduct of business, but a lesser number may hold hearings.

''(8) POWERS OF THE BOARD.—

''(A) HEARINGS.—The Board or, at its direction, any subcommittee or member of the Board, may, for the purpose of carrying out the provisions of this section—

''(i) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

''(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Board or such subcommittee or member considers advisable.

''(B) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

''(i) ISSUANCE.—Each subpoena issued pursuant to subparagraph (A) shall bear the signature of the Chairperson and shall be served by any person or class of persons designated by the Chairperson for that purpose.

''(ii) ENFORCEMENT.—

''(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence.

''(II) CONTEMPT OF COURT.—Any failure to obey the order of the court issued under subclause (I) may be punished by the court as a contempt of that court.

''(C) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Board. The per diem and mileage allowances for any witness shall be paid from funds available to pay the expenses of the Board.

''(D) INFORMATION FROM FEDERAL AGENCIES.—Upon the request of the Chairperson, the Board may secure directly from the head any Federal department or agency such information as the Board considers necessary to carry out the provisions of this section.

''(E) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(F) DONATIONS.—The Board may accept, use, and dispose of donations of services or property.

''(9) BOARD PERSONNEL MATTERS.—

''(A) COMPENSATION.—Members of the Board shall serve without compensation.

''(B) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.''.

SEC. 203. SERVICES PROVIDED BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (O), by striking ''and'' at the end;

(2) in subparagraph (P), by striking the period at the end and inserting a semicolon; and

(3) by inserting immediately after subparagraph (P) the following new subparagraphs:

''(Q) providing assistance to small business concerns regarding regulatory requirements, including providing training with respect to cost-effective regulatory compliance;

''(R) developing informational publications, establishing resource centers of reference materials, and distributing compliance guides published under section 102(a) of the Small Business Regulatory Fairness Act of 1995 to small business concerns; and

''(S) developing a program to provide confidential onsite assessments and recommendations regarding regulatory compliance to small business concerns and assisting small business concerns in analyzing the business development issues associated with regulatory implementation and compliance measures.''.

TITLE III—FINANCIAL ACCOUNTABILITY OF COVERED AGENCIES RELATING TO FEES AND EXPENSES

SEC. 301. ADMINISTRATIVE PROCEEDINGS.

Section 504 of title 5, United States Code, is amended—

(1) in subsection (b)(1)(B)—

(A) by striking '', or (ii)'' and inserting '', (ii)''; and

(B) by striking the semicolon at the end of the subparagraph and inserting the following: '', or (iii) a small entity as such term is defined in subsection (g)(1)(D);'' and

(2) by adding at the end the following new subsection:

''(g)(1) For purposes of this subsection, the term—

''(A) 'covered agency' has the same meaning as in section 30(a) of the Small Business Act;

''(B) 'fees and other expenses' has the same meaning as in subsection (b)(1)(A), except that—

''(i) clause (ii) of such subparagraph (A) shall not apply; and

''(ii) attorney's fees shall not be awarded at a rate of pay in excess of $150 per hour unless the adjudicative party determines that regional costs or other special factors justify a higher fee;

''(C) 'prevailing small entity'—

''(i) means a small entity that raised a successful defense to an agency enforcement action by a covered agency in an adversary adjudication; and

''(ii) includes a small entity that is a party in an adversary adjudication in which the adjudicative officer orders a corrective action or penalty against the small entity that is less burdensome than the corrective action or penalty initially sought or demanded by the covered agency; and

''(D) 'small entity' has the same meaning as in section 601(6).

''(2) For the purpose of making a finding of whether an award under subsection (a)(1) is unjust, in any case in which fees and other expenses would be awarded to a prevailing small entity as a prevailing party—

''(A) the adjudicative officer of the agency shall not consider whether the position of the agency was substantially justified; and

''(B) special circumstances shall be limited to circumstances in which—

''(i) the matters in the adversary adjudication are matters for which there is little or no legal precedent; or

''(ii) findings of fact or conclusions of law are based on inconsistent interpretations of applicable law by different courts.

''(3) If a prevailing small entity is awarded fees and other expenses as a prevailing party under subsection (a)(1), such fees and other expenses shall include all fees and expenses incurred by the small entity in appearing in any proceeding the purpose of which is to determine the amount of fees and other expenses.

''(4) Fees and other expenses awarded to a prevailing small entity as a prevailing party under this section shall be paid by the covered agency from funds made available to the agency by appropriation or from fees or other amounts charged to the public if authorized by law. A covered agency may not increase any such fee or amount charged for the purpose of paying fees and other expenses awarded to a prevailing small entity as a prevailing party under this section.''.

SEC. 302. JUDICIAL PROCEEDINGS.

Section 2412 of title 28, United States Code, is amended—

(1) in subsection (d)(2)(B)—

(A) by striking '', or (ii)'' and inserting '', (ii)''; and

(B) by striking the semicolon at the end of the subparagraph and inserting the following: '', or (iii) a small entity as defined under subsection (g)(1)(D);'' and

(2) by adding at the end the following new subsection:

''(g)(1) For purposes of this subsection, the term—

''(A) 'covered agency' has the same meaning as in section 30(a) of the Small Business Act;

''(B) 'fees and other expenses' has the same meaning as in subsection (d)(2)(A), except that—

''(i) clause (ii) of such subparagraph (A) shall not apply; and

''(ii) attorney's fees shall not be awarded at a rate of pay in excess of $150 per hour unless the court determines that regional costs or other special factors justify a higher fee;

''(C) 'prevailing small entity'—

''(i) means a small entity that raised a successful defense to an agency enforcement action by a covered agency in a civil action; and

''(ii) includes a small entity that is a party in a civil action in which the court orders a corrective action or penalty against the small entity that is less burdensome than the corrective action or penalty initially sought or demanded by the covered agency; and

''(D) 'small entity' has the same meaning as the term 'small entity' in section 601(6) of title 5.

''(2) For the purpose of making a finding of whether an award under subsection (d)(1)(A) is unjust, in any case in which fees and other expenses would be awarded to a prevailing small entity as a prevailing party—

''(A) the court shall not consider whether the position of the United States was substantially justified; and

''(B) special circumstances shall be limited to circumstances in which—

''(i) the matters in the civil action are matters for which there is little or no legal precedent; or

''(ii) findings of fact or conclusions of law are based on inconsistent interpretations of applicable law by different courts.

''(3) If a prevailing small entity is awarded fees and other expenses as a prevailing party under subsection (d)(1)(A), such fees and expenses shall include all fees and expenses incurred by the small entity in appearing in any proceeding the purpose of which is to determine the amount of fees and other expenses.

''(4) Fees and other expenses awarded to a prevailing small entity as a prevailing party under this section shall be paid by the covered agency from funds made available to the agency by appropriation or from fees or other amounts charged to the public if authorized by law. A covered agency may not increase any such fee or amount charged for the purpose of paying fees and other expenses awarded to a prevailing small entity as a prevailing party under this section.''.

THE SMALL BUSINESS REGULATORY FAIRNESS ACT—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title. ''The Small Business Regulatory Fairness Act of 1995.''

Sec. 2. Purposes. The purposes of the act are to change the relationship between agencies and small business, to increase the understandability of regulations, to increase the accountability of regulatory agencies, and to provide meaningful opportunities for redress of arbitrary enforcement actions.

Sec. 101. Definitions. Defines covered agency (those that have regs requiring a Regulatory Flexibility Act analysis), compliance guide, no-action letter, small business concern (as defined in sec. 3 of the Small Business Act) and voluntary self-audit.

Sec. 102. Compliance Guides. Directs regulatory agencies to publish small business compliance guides for regulations with significant economic impact on small entities, to disseminate the guides through Small Business Development Centers and prohibits enforcement actions of these regs against small entities until such time as the compliance guide is published.

Sec. 103. No Action Letter. Directs regulatory agencies to establish a system for issuing ''no-action letters'' similar to those used by the IRS and SEC, and allows small entities to rely on those no-action letters.

Sec. 104. Voluntary self-audits. Provides that information developed during a voluntary self-audit by a small entity is not admissible or discoverable by a Federal Agency.

Sec. 105. Defense to Enforcement Actions. Provides small entities with an affirmative defense where the agency rule is vague or ambiguous and the interpretation of the small entity is reasonable, and limits the court from giving deference to agencies' interpretations of their own rules.

Sec. 201. Small Business and Agriculture Ombudsman. Establishes Small Business and Agriculture Ombudsmen in each of the Small Business Administration's regional offices who will receive complaints about the enforcement activities of other federal agencies, develop a small business responsiveness rating to each regulatory agency, publish reports on those activities, and establish a toll-free telephone number to receive comments from small business.

Sec. 202. Small Business Regulatory Fairness Boards. Establishes volunteer Small Business Regulatory Fairness Boards in Small Business Administration offices around the country, appointed by the President and the Congressional leadership to advise the Ombudsmen, conduct investigations into agency enforcement activities, prepare independent reports and review the reports of the Ombudsmen.

Sec. 203. Services Provided by Small Business Development Centers. Expands the role of Small Business Development Centers to include providing regulatory compliance assistance, serving as a resource for compliance information including the distribution of compliance guides, and developing a program to provide regulatory compliance audits.

Sec. 301. Administrative Proceedings. Amends the Administrative Procedures Act to allow small entities to recover their attorneys fees in litigation against the government where the government has made unreasonable demands of settlement that are not sustained by a court, and without having to prove that the government position was not ''substantially justified.''

Sec. 302. Judicial Proceedings. Makes conforming changes to Title 28 U.S.C. Section 2412.●

ADDITIONAL COSPONSORS

S. 304

At the request of Mr SANTORUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 571

At the request of Mrs. BOXER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 571, a bill to amend title 10, United States Code, to terminate entitlement of pay and allowances for members of the Armed Forces who are sentenced to confinement and a punitive discharge or dismissal, and for other purposes.

NOTICE OF HEARING

CANCELLATION OF COMMITTEE HEARINGS

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing previously scheduled before the full Committee on Energy and Natural Resources for Tuesday, June 20, 1995, at 9:30 a.m. to review existing oil production at Prudhoe Bay, AK, and opportunities for new production on the coastal plain of Arctic Alaska has been canceled and will be rescheduled at a later date.

In addition, the hearing previously scheduled before the full Committee on Energy and Natural Resources for Wednesday, June 21, 1995, at 9:30 a.m. regarding the Secretary of Energy's strategic alignment and downsizing proposal and other alternatives to the existing structure of the Department of Energy has also been canceled and will be rescheduled at a later date.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Friday, June 16, 1995, session of the Senate for the purpose of conducting a hearing on the future of Amtrak and the Local Rail Freight Assistance Program.

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

ADDITIONAL STATEMENTS

PRISON WORK ACT OF 1995

● Mr. SHELBY. Mr. President, one of the many controversial provisions of the 1994 crime bill was the requirement that states have in place an array of dubious programs, including social rehabilitation, job skills, and even postrelease programs, in order to qualify for the prison construction grant money contained in the bill.

This requirement is yet another manifestation of the criminal rights philosophy, which has wreaked havoc on our criminal justice system. This view holds that criminals are victims of society, are not to blame for their actions, and should be rehabilitated at the taxpayers expense. In their zeal to rehabilitate violent criminals, proponents of this ideology have worked overtime to ensure that murderers, rapists, and child molesters are treated better than the victims of these acts and that these criminals have access to perks and amenities most hard-working taxpayers cannot afford.

Award-winning journalist Robert Bidinotto has revealed myriad abuses. For example, at Mercer Regional Correctional Facility in Pennsylvania, hardened criminals have routine access to a full-sized basketball court, handball area, punching bags, volleyball nets, 15 sets of barbells, weightlifting machines, electronic bicycles, and stairmasters facing a TV, so the prisoners do not have to miss their favorite show while working out.

Or consider David Jirovec, a resident of Washington State who hired two hit men to kill his wife for insurance money. His punishment? Regular conjugal visits from his new wife.

At Sullivan high-security prison in Fallsburg, NY, prisoners hold regular jam sessions in a music room crowded with electric guitars, amplifiers, drums, and keyboards.

In Jefferson City, MO, inmates run an around-the-clock closed-circuit TV studio and broadcast movies filled with gratuitous sex and graphic violence.

Perhaps the winner in the race for rehabilitation is the Massachusetts Correctional Institution in Norfolk, MA. There, prisoners sentenced to life in prison—known as the Lifers Group—held its annual Lifers Banquet in the $2 million visitor's center. These 33 convicts—mostly murderers—and 49 of their invited guests dined on catered prime rib.

This is just the tip of the iceberg. These are not isolated incidents, but have become commonplace in our criminal justice system. Violent criminals have by definition committed brutal acts of violence on innocent women, children, the elderly, and other citizens. That the government continues to take money out of the pockets of law-abiding taxpayers—many of whom are victims of those behind bars—to create resorts for prisoners to mull