

"(b) AGREEMENT.—The Secretary of the Interior may enter into an agreement under appropriate terms and conditions with the Corporation to facilitate the construction and operation of the Gateway Visitor Center on Independence Mall.

"(c) AUTHORIZED ACTIVITIES.—The agreement under subsection (b) shall—

"(1) authorize the Corporation—

"(A) to operate the Center in cooperation with the Secretary and provide at the Center information, interpretation, facilities, and services to visitors of Independence National Historical Park, its surrounding historic sites, the city of Philadelphia, and the region, in order to assist in the enjoyment of the historic, cultural, educational, and recreational resources of the Philadelphia metropolitan area; and

"(B) to engage in activities appropriate for operation of a regional visitor center, which may include selling food, charging fees, conducting events, and selling merchandise and tickets to visitors to the Center; and

"(2) authorize the Secretary to undertake at the Center activities relating to the management of Independence National Historical Park, including provision of appropriate visitor information and interpretive facilities and programs related to the park.

"(d) REVENUES.—Revenues from the operation of the Center's facilities and services shall be used to pay for expenses of operation.

"(e) PRESERVATION AND PROTECTION.—Nothing in this section authorizes the Secretary or the Corporation to take any action in derogation of the preservation and protection of the values and resources of Independence National Historical Park."

#### DANTE FASCELL BISCAYNE NATIONAL PARK VISITOR CENTER DESIGNATION ACT

The Senate proceeded to consider the bill (S. 2468) to designate the Biscayne National Park visitor center as the Dante Fascell Visitor Center at Biscayne National Park, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2468

*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 "Dante Fascell Biscayne National Park Visitor Center Designation Act".

##### **SEC. 2. DESIGNATION OF THE DANTE FASCELL VISITOR CENTER AT BISCAYNE NATIONAL PARK.**

(a) DESIGNATION.—The Biscayne National Park visitor center, located on the shore of Biscayne Bay on Convoy Point, Florida, is designated as the "Dante Fascell Visitor [Center at Biscayne National Park".] *Center.*"

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other document of the United States to the Biscayne National Park visitor center shall be deemed to be a reference to the "Dante Fascell Visitor [Center at Biscayne National Park".] *Center.*"

Mr. GRAHAM. Mr. President, I am pleased today to support, along with my colleague, Senator MACK, legisla-

tion to honor former Congressman Dante Fascell by naming the Biscayne National Park Visitors Center after the ex-Congressman of Florida. I had the pleasure to begin my political career as an intern in Congressman Fascell's office and am proud to have had the opportunity to serve with one of Florida's greatest representatives.

Congressman Fascell's long history of public service began in the Florida House of Representatives after his service in World War II. He was elected to the Eighty-fourth Congress and spent the following thirty-six years in office. During this time Congressman Fascell was influential in both foreign and domestic policy.

While in Congress, Dante Fascell influenced U.S. foreign policy by co-authoring the War Powers act and chairing the Committees on Foreign Affairs and Arms Control, International Security and Science. In 1969, Congressman Fascell led House action to establish the Department of Housing and Urban Development. This legislation was the first step in efforts to develop economically healthy communities and affordable opportunities for numerous families throughout the nation. He was also a devout supporter of both law enforcement and education on narcotics abuse.

During his years in Congress, Dante Fascell was an outstanding environmental activist and improved the quality of Florida's natural habitats and wildlife. He battled to protect South Florida's national parks and led the successful effort to establish the national marine sanctuary in the Florida Keys during the 101st Congress.

The Biscayne National Park visitor center introduces local, national and international visitors to the resources of the Biscayne National Park at Convoy Point, Florida. Its museum features exhibits simulating the park's four main ecosystems: the mangrove forest, Biscayne Bay, the Florida Keys, and the coral reef. The naming of this visitor center will serve as a lasting tribute to Congressman Fascell's persistent efforts to protect the environment for future generations.

I ask for your support today for our bill which will pay tribute to the service of the former Florida Congressman, Dante Fascell.

The committee amendment was agreed to.

The bill (S. 2468), as amended, was considered read the third time and passed.

The title was amended so as to read: "A bill to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center."

#### CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

The bill (H.R. 2411) to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission, was

considered, ordered to a third reading, read the third time, and passed.

#### FOLSOM DAM, CALIFORNIA

The bill (H.R. 4079) to authorize the construction of temperature control devices at Folsom Dam in California, was considered, ordered to a third reading, read the third time, and passed.

#### IDAHO ADMISSION ACT AMENDMENTS

The bill (H.R. 4166) to amend the Idaho Admission Act regarding the sale or lease of school land, was considered, ordered to a third reading, read the third time, and passed.

#### UNANIMOUS CONSENT AGREEMENT—S. 744 AND S. 2117

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration en bloc of the following bills: Calendar No. 613, S. 744 and Calendar No. 621, S. 2117.

I further ask unanimous consent that amendment No. 3786 to S. 744 and amendment No. 3787 to S. 2117 be agreed to, en bloc.

I finally ask unanimous consent that any committee amendments be agreed to; that the bills then be read a third time and passed, as amended; that the motions to reconsider be laid upon the table; and that any statements relating to these measures appear at the appropriate place in the RECORD.

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

#### FALL RIVER WATER USERS DISTRICT WATER SYSTEM ACT OF 1998

The Senate proceeded to consider the bill (S. 744) to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 744

*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 "Fall River Water Users District Rural Water System Act of 1997".

##### **SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies of reasonable quality available to the members of the Fall River Water Users District Rural Water System located in Fall River County, South Dakota, and the water supplies that

are available are of poor quality and do not meet minimum health and safety standards, thereby posing a threat to public health and safety;

(2) past cycles of severe drought in the southeastern area of Fall River County have left residents without a satisfactory water supply, and, during 1990, many home owners and ranchers were forced to haul water to sustain their water needs;

(3) because of the poor quality of water supplies, most members of the Fall River Water Users District are forced to either haul bottled water for human consumption or use distillers;

(4) the Fall River Water Users District Rural Water System has been recognized by the State of South Dakota; and

(5) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fall River Water Users District Rural Water System members consists of a Madison Aquifer well, 3 separate water storage reservoirs, 3 pumping stations, and approximately 200 miles of pipeline.

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

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the members of the Fall River Water Users District Rural Water System in Fall River County, South Dakota;

(2) to assist the members of the Fall River Water Users District in developing safe and adequate municipal, rural, and industrial water supplies; and

(3) to promote the implementation of water conservation programs by the Fall River Water Users District Rural Water System.

### SEC. 3. DEFINITIONS.

In this Act:

(1) ENGINEERING REPORT.—The term “engineering report” means the study entitled “Supplemental Preliminary Engineering Report for Fall River Water Users District” published in August 1995.

(2) PROJECT CONSTRUCTION BUDGET.—The term “project construction budget” means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the engineering report.

(3) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term “pumping and incidental operational requirements” means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Fall River Water Users District Rural Water System to each entity that distributes water at retail to individual users.

(4) SECRETARY.—The term “Secretary” means the Secretary of [the Interior, acting through the Director of the Bureau of Reclamation.] *Agriculture*.

(5) WATER SUPPLY SYSTEM.—The term “water supply system” means the Fall River Water Users District Rural Water System, a nonprofit corporation, established and operated substantially in accordance with the engineering report.

### SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the Federal share of the costs of the planning and construction of the water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate municipal, rural, and industrial water supplies, mitigation of wetlands areas, and water conservation within the boundaries of the Fall River Water Users District, described as follows: bounded on the north by the Angostura

Reservoir, the Cheyenne River, and the line between Fall River and Custer Counties, bounded on the east by the line between Fall River and Shannon Counties, bounded on the south by the line between South Dakota and Nebraska, and bounded on the west by the Igloo-Provo Water Project District.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the Federal share under section 9.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report has been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

### SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the engineering report.

### SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Fall River Water Users District;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

### SEC. 7. NO LIMITATION ON WATER PROJECTS IN STATE.

This Act does not limit the authorization for water projects in South Dakota under law in effect on or after the date of enactment of this Act.

### SEC. 8. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

### SEC. 9. FEDERAL SHARE.

The Federal share under section 4 shall be 80 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

### SEC. 10. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 20 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

### SEC. 11. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—The Secretary of the Interior, acting through the Director of the Bureau of Reclamation may provide construction oversight to the water supply system for areas of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Fall River County, South Dakota.

### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) \$3,600,000 for the planning and construction of the water system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

The amendment (No. 3786) was agreed to, as follows:

On page 2, line 3, strike “1997” and insert “1998”.

On page 6, line 3, strike “has” and insert “and plan” for a water conservation program have”.

On page 9, line 2, strike “80” and insert “70”.

On page 9, line 11, strike “20” and insert “30”.

The committee amendments were agreed to.

The bill (S. 744), as amended, was considered read the third time and passed, as follows:

S. 744

*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 “Fall River Water Users District Rural Water System Act of 1998”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies of reasonable quality available to the members of the Fall River Water Users District Rural Water System located in Fall River County, South Dakota, and the water supplies that are available are of poor quality and do not meet minimum health and safety standards, thereby posing a threat to public health and safety;

(2) past cycles of severe drought in the southeastern area of Fall River County have left residents without a satisfactory water supply, and, during 1990, many home owners and ranchers were forced to haul water to sustain their water needs;

(3) because of the poor quality of water supplies, most members of the Fall River Water Users District are forced to either haul bottled water for human consumption or use distillers;

(4) the Fall River Water Users District Rural Water System has been recognized by the State of South Dakota; and

(5) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fall River Water Users District Rural Water System members consists of a Madison Aquifer well, 3 separate water storage reservoirs, 3 pumping stations, and approximately 200 miles of pipeline.

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

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the members of the Fall River Water Users District Rural Water System in Fall River County, South Dakota;

(2) to assist the members of the Fall River Water Users District in developing safe and adequate municipal, rural, and industrial water supplies; and

(3) to promote the implementation of water conservation programs by the Fall River Water Users District Rural Water System.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **ENGINEERING REPORT.**—The term “engineering report” means the study entitled “Supplemental Preliminary Engineering Report for Fall River Water Users District” published in August 1995.

(2) **PROJECT CONSTRUCTION BUDGET.**—The term “project construction budget” means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the engineering report.

(3) **PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.**—The term “pumping and incidental operational requirements” means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Fall River Water Users District Rural Water System to each entity that distributes water at retail to individual users.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(5) **WATER SUPPLY SYSTEM.**—The term “water supply system” means the Fall River Water Users District Rural Water System, a nonprofit corporation, established and operated substantially in accordance with the engineering report.

**SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.**

(a) **IN GENERAL.**—The Secretary shall make grants to the water supply system for the Federal share of the costs of the planning and construction of the water supply system.

(b) **SERVICE AREA.**—The water supply system shall provide for safe and adequate mu-

nicipal, rural, and industrial water supplies, mitigation of wetlands areas, and water conservation within the boundaries of the Fall River Water Users District, described as follows: bounded on the north by the Angostura Reservoir, the Cheyenne River, and the line between Fall River and Custer Counties, bounded on the east by the line between Fall River and Shannon Counties, bounded on the south by the line between South Dakota and Nebraska, and bounded on the west by the Igloo-Provo Water Project District.

(c) **AMOUNT OF GRANTS.**—Grants made available under subsection (a) to the water supply system shall not exceed the Federal share under section 9.

(d) **LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

**SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.**

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the engineering report.

**SEC. 6. USE OF PICK-SLOAN POWER.**

(a) **IN GENERAL.**—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) **CONDITIONS.**—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Fall River Water Users District;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

**SEC. 7. NO LIMITATION ON WATER PROJECTS IN STATE.**

This Act does not limit the authorization for water projects in South Dakota under law in effect on or after the date of enactment of this Act.

**SEC. 8. WATER RIGHTS.**

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

**SEC. 9. FEDERAL SHARE.**

The Federal share under section 4 shall be 70 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

**SEC. 10. NON-FEDERAL SHARE.**

The non-Federal share under section 4 shall be 30 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

**SEC. 11. CONSTRUCTION OVERSIGHT.**

(a) **AUTHORIZATION.**—The Secretary of the Interior, acting through the Director of the Bureau of Reclamation may provide construction oversight to the water supply system for areas of the water supply system.

(b) **PROJECT OVERSIGHT ADMINISTRATION.**—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Fall River County, South Dakota.

**SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated—

(1) \$3,600,000 for the planning and construction of the water system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

**PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1988**

The Senate proceeded to consider the bill (S. 2117) to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows: