tribulations and trials of a minority leader are. So I am well acquainted with their problems. I have had them all. I have been there. My footprints are still there. It isn't the quality of our life—that the people send us here for. It is the quality of our work on behalf of the people who send us here.

I had bed check votes at 10 o'clock on Monday mornings. There are people who sit at the desk in front of me and there are some few Senators still in this body who will remember that: Bed check votes at 10 o'clock on Monday mornings. But I alerted my colleagues: That is what we are going to have. And we are going to have votes on Fridays. We are not quitting at 12. Now, in return for that, we are going to work 3 weeks, and then we are going to be out 1 week. So you can go home and see your constituents and get an understanding of what their needs are. But 3 weeks we are going to be here. You are off 1 week. We are going to be here 3 weeks.

And they loved it. Senators loved it. They knew I meant business. And I took the attitude: If you don't like me as leader—you voted me in—then you can vote me out. But as long as I am leader, I am going to lead. I may not have many who will follow me, but I will do what I think is right for this institution.

Well, my speech did not go over well with a few, but take a look at the record of that 100th Congress. That was a great Congress. That is the way we worked it.

I understand—as I say, I like both of our leaders. I personally have great admiration for Mr. LOTT and for Mr. DASCHLE. They have their problems. And we have to help them. But let's draw back here and think of the institution. The most important thing in the world is not for me to be reelected. That is not the most important. The most important thing is for me to do my duty to this Senate—to the Senate, to the Constitution, and to the people who send me here. And if it means I have to work early and late, so be it.

I thank the distinguished Senator, and thank the Senator from New Hampshire again.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS-CONSENT AGREEMENT—S. 2796

Mr. SMITH of New Hampshire. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 729, S. 2796, the Water Resources Development Act of 2000, under the following limitations: There be 3 hours for general debate on the bill equally divided between the two managers; the only amendments in order be a managers' amendment; one amendment to be offered by Senators WARNER and VOINOVICH relating to cost-share and operations and maintenance, limited to 2 hours equally divided in the usual form; one amendment offered by Senator FEINGOLD relating to independent peer review, limited to 1 hour equally divided in the usual form, and subject to one relevant second-degree amendment offered by Senators SMITH and BAUCUS and limited to 30 minutes; one amendment offered by Senator TORRICELLI regarding marketing of dredge spoils, limited to 20 minutes equally divided, and subject to a relevant second-degree amendment offered by Senator SMITH, or his designee, under the same time limitations; and one additional relevant amendment per manager limited to 10 minutes equally divided.

I further ask consent that during the consideration of the bill, Senators THOMAS and KENNEDY be in control of up to 1 hour each for statements.

Finally, I ask consent that following the disposition of the above amendments, and the use or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I apologize to my friend who is the chairman of the committee, but I am going to have to object.

I just spoke to one of the Members, and she is going to be over to talk to the Senator from New Hampshire forthwith.

In light of my conversation with her, I am going to have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH of New Hampshire. If I could engage my colleague for a moment. Without mentioning the name—

Mr. REID. I have no problem with that. It was Senator LINCOLN from Arkansas.

Mr. SMITH of New Hampshire. All right. I think the issue with Senator LINCOLN, to the best of my knowledge, has been resolved satisfactorily. If that is not the case, then we can delay action.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SMITH of New Hampshire. Mr. President, at this time I renew my unanimous consent request regarding Calendar No. 729, S. 2796, the Water Resources Development Act of 2000.

Mr. REID. Mr. President, reserving the right to object, we have spent approximately an hour on this matter. We have had a number of conversations. I appreciate the work of the chairman and the subcommittee chair, Senator VOINOVICH. I have been assured by the Senator from Arkansas that if there is a problem in the underlying appropriations process, they will work with the people in the House to alleviate that problem to the best of their ability. There is no guarantee, but they will do everything within their power to resolve the issues about which we have spoken during this hour that we have been in a quorum call.

I say to my friend from New Hampshire and my friend from Ohio that I appreciate their consideration.

My understanding of what they will attempt to accomplish, if necessary, is accurate. Is that not true?

Mr. SMITH of New Hampshire. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I thank my colleague from Nevada. We will do our best to work through the process as outlined by the Senator from Arkansas and the Senator from Nevada.

WATER RESOURCES DEVELOPMENT ACT OF 2000

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2796) to provide for the conservation and development of water and resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The Senate proceeded to the bill which had been reported from the Committee on Environment and Public Works, with an amendment; as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small shore protection projects.
Sec. 103. Small navigation projects.
Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.
Sec. 105. Small bank stabilization projects.
Sec. 106. Small flood control projects.
Sec. 107. Small projects for improvement of the quality of the environment.
Sec. 108. Beneficial uses of dredged material.
Sec. 109. Small aquatic ecosystem restoration projects.
Sec. 110. Flood mitigation and riverine restoration.
Sec. 111. Disposal of dredged material on beaches.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.

Sec. 206. National Recreation Reservation Service.
Sec. 207. Operation and maintenance of hydroelectric facilities.
Sec. 208. Interagency and international support.
Sec. 209. Reburial and conveyance authority.
Sec. 210. Approval of construction of dams and dikes.
Sec. 211. Project deauthorization authority.
Sec. 212. Floodplain management requirements.
Sec. 213. Environmental dredging.
Sec. 214. Regulatory analysis and management systems data.
Sec. 215. Performance of specialized or technical services.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Boydsville, Arkansas.
Sec. 302. White River Basin, Arkansas and Missouri.
Sec. 303. Gasparilla and Estero Islands, Florida.
Sec. 304. Fort Hall Indian Reservation, Idaho.
Sec. 305. Upper Des Plaines River and tributaries, Illinois.
Sec. 306. Red River Waterway, Louisiana.
Sec. 307. William Jennings Randolph Lake, Maryland.
Sec. 308. Missouri River Valley, Missouri.
Sec. 309. New Madrid County, Missouri.
Sec. 310. Pemiscot County Harbor, Missouri.
Sec. 311. Pike County, Missouri.
Sec. 312. Fort Peck fish hatchery, Montana.
Sec. 313. Sagamore Creek, New Hampshire.
Sec. 314. Passaic River Basin flood management, New Jersey.
Sec. 315. Rockaway Inlet to Norton Point, New York.
Sec. 316. John Day Pool, Oregon and Washington.
Sec. 317. Fox Point hurricane barrier, Providence, Rhode Island.
Sec. 318. Houston-Galveston Navigation Channels, Texas.
Sec. 319. Joe Pool Lake, Trinity River Basin, Texas.
Sec. 320. Lake Champlain watershed, Vermont and New York.
Sec. 321. Mount St. Helens, Washington.
Sec. 322. Puget Sound and adjacent waters restoration, Washington.
Sec. 323. Fox River System, Wisconsin.
Sec. 324. Chesapeake Bay oyster restoration.
Sec. 325. Great Lakes dredging levels adjustment.
Sec. 326. Great Lakes fishery and ecosystem restoration.
Sec. 327. Great Lakes remedial action plans and sediment remediation.
Sec. 328. Great Lakes tributary model.
Sec. 329. Treatment of dredged material from Long Island Sound.
Sec. 330. New England water resources and ecosystem restoration.
Sec. 331. Project deauthorizations.

TITLE IV—STUDIES

Sec. 401. Baldwin County, Alabama.
Sec. 402. Bono, Arkansas.
Sec. 403. Cache Creek Basin, California.
Sec. 404. Estudillo Canal watershed, California.
Sec. 405. Laguna Creek watershed, California.
Sec. 406. Oceanside, California.
Sec. 407. San Jacinto watershed, California.
Sec. 408. Choctawhatchee River, Florida.
Sec. 409. Egmont Key, Florida.
Sec. 410. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
Sec. 411. Boise River, Idaho.
Sec. 412. Wood River, Idaho.
Sec. 413. Chicago, Illinois.
Sec. 414. Boeuf and Black, Louisiana.
Sec. 415. Port of Iberia, Louisiana.
Sec. 416. South Louisiana.
Sec. 417. St. John the Baptist Parish, Louisiana.
Sec. 418. Narraguagus River, Milbridge, Maine.
Sec. 419. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
Sec. 420. Merrimack River Basin, Massachusetts and New Hampshire.
Sec. 421. Port of Gulfport, Mississippi.
Sec. 422. Upland disposal sites in New Hampshire.
Sec. 423. Missouri River basin, North Dakota, South Dakota, and Nebraska.
Sec. 424. Cuyahoga River, Ohio.
Sec. 425. Fremont, Ohio.
Sec. 426. Grand Lake, Oklahoma.
Sec. 427. Dredged material disposal site, Rhode Island.
Sec. 428. Chickamauga Lock and Dam, Tennessee.
Sec. 429. Germantown, Tennessee.
Sec. 430. Horn Lake Creek and Tributaries, Tennessee and Mississippi.
Sec. 431. Cedar Bayou, Texas.
Sec. 432. Houston Ship Channel, Texas.
Sec. 433. San Antonio Channel, Texas.
Sec. 434. White River watershed below Mud Mountain Dam, Washington.
Sec. 435. Willapa Bay, Washington.
Sec. 436. Upper Mississippi River basin sediment and nutrient study.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Visitors centers.
Sec. 502. CALFED Bay-Delta Program assistance, California.
Sec. 503. Conveyance of lighthouse, Ontonagon, Michigan.
Sec. 504. Land conveyance, Candy Lake, Oklahoma.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

Sec. 601. Comprehensive Everglades Restoration Plan.

SEC. 2. DEFINITION OF SECRETARY.

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

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—

(A) IN GENERAL.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(B) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of project costs for the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

(17) CHESTERFIELD, MISSOURI.—The project to implement structural and nonstructural measures to prevent flood damage to Chesterfield, Missouri, and the surrounding area, at a total

cost of $63,000,000, with an estimated Federal cost of $40,950,000 and an estimated non-Federal cost of $22,050,000.

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

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

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

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

(22) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $66,500,000, with an estimated Federal cost of $43,225,000 and an estimated non-Federal cost of $23,275,000.

(B) NON-FEDERAL SHARE.—

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

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

(23) OHIO RIVER.—

(A) IN GENERAL.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $200,000,000, with an estimated Federal cost of $130,000,000 and an estimated non-Federal cost of $70,000,000.

(B) NON-FEDERAL SHARE.—

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

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

SEC. 102. SMALL SHORE PROTECTION PROJECTS.

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

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

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

SEC. 103. SMALL NAVIGATION PROJECTS.

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

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

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

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

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

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

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

SEC. 105. SMALL BANK STABILIZATION PROJECTS.

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

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

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

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

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

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

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

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

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

SEC. 106. SMALL FLOOD CONTROL PROJECTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

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

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

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

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

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

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

SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

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

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

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

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

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

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

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

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

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

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

(10) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.

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

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

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

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

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

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

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

(18) MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

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

SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

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

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

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

(3) by adding at the end the following:

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

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

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

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

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

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

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

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

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

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

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

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

''(1) ecosystem protection and restoration;

''(2) flood damage reduction;

''(3) navigation and ports;

''(4) watershed protection;

''(5) water supply; and

''(6) drought preparedness.

''(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

''(1) the Secretary of the Interior;

''(2) the Secretary of Agriculture;

''(3) the Secretary of Commerce;

''(4) the Administrator of the Environmental Protection Agency; and

''(5) the heads of other appropriate agencies.

''(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

''(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

''(1) the Delaware River basin; and

''(2) the Willamette River basin, Oregon.

''(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

''(f) COST-SHARING REQUIREMENTS.—

''(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

''(2) CREDIT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.

''(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

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

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) PRIORITY PROJECTS.—In selecting water resources development projects for study under this section, the Secretary shall give priority to—

(1) the project along the upper Snake River within and adjacent to the Fort Hall Indian Reservation, Idaho, authorized by section 304; and

(2) the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 435(b).

(e) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) CREDIT.—

(A) IN GENERAL.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and

other in-kind contributions will facilitate completion of the project.

(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

''(2) CRITERIA AND PROCEDURES.—

''(A) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—

''(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and

''(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).

''(B) REVISED CRITERIA AND PROCEDURES.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay.''; and

(2) in paragraph (3)—

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

(B) by striking subparagraphs (B) and (C) and inserting the following:

''(B) may consider additional criteria relating to—

''(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or

''(ii) additional assistance that may be available from other Federal or State sources.''.

SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

(b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

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

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

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

SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) in the first sentence, by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(2) in the second sentence, by inserting ''out'' after ''carry''.

SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

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

(b) REBURIAL.—

(1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) REBURIAL.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

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

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

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

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

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

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

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

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

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

''(d) APPLICABILITY.—

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

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

''(2) DAMS AND DIKES.—

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

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

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

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

SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

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

''SEC. 1001. PROJECT DEAUTHORIZATIONS.

''(a) DEFINITIONS.—In this section:

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

''(A) in the case of—

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

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

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

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

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

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

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

''(b) PROJECTS NEVER UNDER CONSTRUCTION.—

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

''(A) are authorized for construction; and

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

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

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

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

''(A) that are authorized for construction;

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

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

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

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

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

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

SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

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

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

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

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

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

''(A) address''; and

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

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

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

(C) by adding at the end the following:

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

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

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

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

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

SEC. 213. ENVIRONMENTAL DREDGING.

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

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

SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYSTEMS DATA.

(a) IN GENERAL.—Beginning October 1, 2000, the Secretary, acting through the Chief of Engineers, shall publish, on the Army Corps of Engineers' Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data.

(b) DATA.—Such RAMS data shall include—

(1) the date on which an individual or nationwide permit application under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is first received by the Corps;

(2) the date on which the application is considered complete;

(3) the date on which the Corps either grants (with or without conditions) or denies the permit; and

(4) if the application is not considered complete when first received by the Corps, a description of the reason the application was not considered complete.

SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 6501 of title 31, United States Code.

(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than a Department of Defense agency), State, or local government of the United States under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the end of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than a Department of Defense agency), State, or local government of the United States to the Corps to provide specialized or technical services.

(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

(A) a description of the scope of services requested;

(B) the certifications required under subsection (b) and (c);

(C) the status of the request;

(D) the estimated and final cost of the services;

(E) the status of reimbursement;

(F) a description of the scope of services performed; and

(G) copies of all certifications in support of the request.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. BOYDSVILLE, ARKANSAS.

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

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

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

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

(2) in subsection (b)—

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

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

(C) in paragraph (3)—

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

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

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

(iv) by adding at the end the following:

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

SEC. 303. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

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

SEC. 304. FORT HALL INDIAN RESERVATION, IDAHO.

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

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

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

(2) is environmentally acceptable and technically feasible; and

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

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

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

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

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

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

SEC. 306. RED RIVER WATERWAY, LOUISIANA.

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

SEC. 307. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

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

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

SEC. 308. MISSOURI RIVER VALLEY, MISSOURI.

(a) SHORT TITLE.—This section may be cited as the ''Missouri River Valley Improvement Act''.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) Lewis and Clark were pioneering naturalists that recorded dozens of species previously unknown to science while ascending the Missouri River in 1804;

(B) the Missouri River, which is 2,321 miles long, drains ⅙ of the United States, is home to approximately 10,000,000 people in 10 States and 28 Native American tribes, and is a resource of incalculable value to the United States;

(C) the construction of dams, levees, and river training structures in the past 150 years has aided navigation, flood control, and water supply along the Missouri River, but has reduced habitat for native river fish and wildlife;

(D) river organizations, including the Missouri River Basin Association, support habitat restoration, riverfront revitalization, and improved operational flexibility so long as those efforts do not significantly interfere with uses of the Missouri River; and

(E) restoring a string of natural places by the year 2004 would aid native river fish and wildlife, reduce flood losses, enhance recreation and tourism, and celebrate the bicentennial of Lewis and Clark's voyage.

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

(A) to protect, restore, and enhance the fish, wildlife, and plants, and the associated habitats on which they depend, of the Missouri River;

(B) to restore a string of natural places that aid native river fish and wildlife, reduce flood losses, and enhance recreation and tourism;

(C) to revitalize historic riverfronts to improve quality of life in riverside communities and attract recreation and tourism;

(D) to monitor the health of the Missouri River and measure biological, chemical, geological, and hydrological responses to changes in Missouri River management;

(E) to allow the Corps of Engineers increased authority to restore and protect fish and wildlife habitat on the Missouri River;

(F) to protect and replenish cottonwoods, and their associated riparian woodland communities, along the upper Missouri River; and

(G) to educate the public about the economic, environmental, and cultural importance of the Missouri River and the scientific and cultural discoveries of Lewis and Clark.

(c) DEFINITION OF MISSOURI RIVER.—In this section, the term ''Missouri River'' means the Missouri River and the adjacent floodplain that extends from the mouth of the Missouri River (RM 0) to the confluence of the Jefferson, Madison, and Gallatin Rivers (RM 2341) in the State of Montana.

(d) AUTHORITY TO PROTECT, ENHANCE, AND RESTORE FISH AND WILDLIFE HABITAT.—Section 9(b) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), is amended—

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

''(b) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The general'';

(2) by striking ''paragraph'' and inserting ''subsection''; and

(3) by adding at the end the following:

''(2) FISH AND WILDLIFE HABITAT.—In addition to carrying out the duties under the comprehensive plan described in paragraph (1), the Chief of Engineers shall protect, enhance, and restore fish and wildlife habitat on the Missouri River to the extent consistent with other authorized project purposes.''.

(e) INTEGRATION OF ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section and in accordance with paragraph (2), the Secretary shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(A) the water-related needs of the Missouri River basin, including flood control, navigation, hydropower, water supply, and recreation; and

(B) private property rights.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity under this section.

(f) MISSOURI RIVER MITIGATION PROJECT.—The matter under the heading ''MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA'' of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is amended by adding at the end the following: ''There is authorized to be appropriated to carry out this paragraph $20,000,000 for each of fiscal years 2001 through 2010, contingent on the completion by December 31, 2000, of the study under this heading.''.

(g) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—

(1) IN GENERAL.—

(A) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, through an interagency agreement with the Director of the United States Fish and Wildlife Service and in accordance with the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.), shall complete a study that—

(i) analyzes any adverse effects on aquatic and riparian-dependent fish and wildlife resulting from the operation of the Missouri River Mainstem Reservoir Project in the States of Nebraska, South Dakota, North Dakota, and Montana;

(ii) recommends measures appropriate to mitigate the adverse effects described in clause (i); and

(iii) develops baseline geologic and hydrologic data relating to aquatic and riparian habitat.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to and the effectiveness of the preservation of native fish and wildlife habitat of the releases described in subparagraph (A); and

(C) shall not adversely impact a use of the reservoir existing on the date on which the pilot program is implemented.

(3) RESERVOIR FISH LOSS STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(A) to complete the study required under paragraph (3), $200,000; and

(B) to carry out the other provisions of this subsection, $1,000,000 for each of fiscal years 2001 through 2010.

(h) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended by striking subsection (g) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2004.''.

SEC. 309. NEW MADRID COUNTY, MISSOURI.

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

(b) CREDIT.—

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

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

SEC. 310. PEMISCOT COUNTY HARBOR, MISSOURI.

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

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

SEC. 311. PIKE COUNTY, MISSOURI.

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

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

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

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

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

(1) DEEDS.—

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

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

(2) REMOVAL OF IMPROVEMENTS.—

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

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

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

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

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

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

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

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

SEC. 312. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

(c) DEFINITIONS.—In this section:

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

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

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

(e) COST SHARING.—

(1) DESIGN AND CONSTRUCTION.—

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

(B) FORM OF NON-FEDERAL SHARE.—

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

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

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

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

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

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

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

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

(f) AUTHORIZATION OF APPROPRIATIONS.—

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

(A) $20,000,000; and

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

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

SEC. 313. SAGAMORE CREEK, NEW HAMPSHIRE.

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

SEC. 314. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

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

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

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

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

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

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

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

(f) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

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

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

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

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

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

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

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

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

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

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

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

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

(3) MEETINGS.—

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

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

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

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

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

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

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

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

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

Resources Development Act of 1990 (104 Stat. 4607).

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

SEC. 315. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

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

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

SEC. 316. JOHN DAY POOL, OREGON AND WASHINGTON.

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

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

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

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

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

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

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

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

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

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

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

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

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

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

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

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

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

SEC. 317. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

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

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

(2) by adding at the end the following:

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

SEC. 318. HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.

(a) IN GENERAL.—Subject to the completion, not later than December 31, 2000, of a favorable report by the Chief of Engineers, the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to design and construct barge lanes adjacent to both sides of the Houston Ship Channel from Redfish Reef to Morgan Point, a distance of approximately 15 miles, to a depth of 12 feet, at a total cost of $34,000,000, with an estimated Federal cost of $30,600,000 and an estimated non-Federal cost of $3,400,000.

(b) COST SHARING.—The non-Federal interest shall pay a portion of the costs of construction of the barge lanes under subsection (a) in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) FEDERAL INTEREST.—If the modification under subsection (a) is in compliance with all applicable environmental requirements, the modification shall be considered to be in the Federal interest.

(d) NO AUTHORIZATION OF MAINTENANCE.—No maintenance is authorized to be carried out for the modification under subsection (a).

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

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

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

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

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

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

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

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

(a) DEFINITIONS.—In this section:

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

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

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

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

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

(b) CRITICAL RESTORATION PROJECTS.—

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

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

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

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

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

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

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

(ii) protect and enhance water quality; or

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

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

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

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

(d) PROJECT SELECTION.—

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

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

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

(2) CERTIFICATION.—

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

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

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a

project cooperation agreement that shall require the non-Federal interest—

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

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

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

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

(2) NON-FEDERAL SHARE.—

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

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

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

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

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

SEC. 321. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading ''TRANSFER OF FEDERAL TOWNSITES'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled ''Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)'', published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

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

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

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

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

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

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

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

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

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

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

(1) the Salmon Recovery Funding Board;

(2) the Northwest Straits Commission;

(3) the Hood Canal Coordinating Council;

(4) county watershed planning councils; and

(5) salmon enhancement groups.

(e) COST SHARING.—

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

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

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

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

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

(2) CREDIT.—

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

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

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

SEC. 323. FOX RIVER SYSTEM, WISCONSIN.

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

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

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

(2) by adding at the end the following:

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

SEC. 324. CHESAPEAKE BAY OYSTER RESTORATION.

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

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

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

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

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

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

SEC. 325. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

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

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

SEC. 326. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

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

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

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

(b) DEFINITIONS.—In this section:

(1) GREAT LAKE.—

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

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

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

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

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

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

(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) SUPPORT PLAN.—

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

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

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

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

(ii) other affected interests.

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

(3) EVALUATION PROGRAM.—

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

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

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

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

(f) COST SHARING.—

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

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

(3) NON-FEDERAL SHARE.—

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

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

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

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

(g) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

(2) in subsection (b)—

(A) by striking paragraph (3);

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

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

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

SEC. 328. GREAT LAKES TRIBUTARY MODEL.

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

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

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

(2) in subsection (g)—

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

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

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

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

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

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

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

(a) DEFINITIONS.—In this section:

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

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

(b) ASSESSMENT.—

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

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

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

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

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

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

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

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

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

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

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

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

(c) RESTORATION PLANS.—

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

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

(B) submit the plan to Congress.

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

(A) a feasibility report; and

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

(d) CRITICAL RESTORATION PROJECTS.—

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

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

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

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

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

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

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

(e) COST SHARING.—

(1) ASSESSMENT.—

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

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

(2) RESTORATION PLANS.—

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

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

(3) CRITICAL RESTORATION PROJECTS.—

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

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

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

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

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

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

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

(f) AUTHORIZATION OF APPROPRIATIONS.—

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

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

SEC. 331. PROJECT DEAUTHORIZATIONS.

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

(1) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

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

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

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

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

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

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

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

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

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

(3) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

TITLE IV—STUDIES

SEC. 401. BALDWIN COUNTY, ALABAMA.

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

SEC. 402. BONO, ARKANSAS.

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

SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

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

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

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

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

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

SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

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

SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

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

SEC. 406. OCEANSIDE, CALIFORNIA.

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

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

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

SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

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

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

SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

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

SEC. 409. EGMONT KEY, FLORIDA.

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

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

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

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

(2) the Apopka River and Palatlakaha River basins.

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

SEC. 411. BOISE RIVER, IDAHO.

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

SEC. 412. WOOD RIVER, IDAHO.

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

SEC. 413. CHICAGO, ILLINOIS.

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

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

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

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

SEC. 414. BOEUF AND BLACK, LOUISIANA.

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

SEC. 415. PORT OF IBERIA, LOUISIANA.

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

SEC. 416. SOUTH LOUISIANA.

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

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

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

SEC. 418. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

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

(b) STUDY OF REAUTHORIZATION.—The Secretary shall conduct a study to determine the

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

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

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

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

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

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

SEC. 421. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

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

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

SEC. 422. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

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

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

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

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

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

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

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

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

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

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

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

(E) the Santee Sioux Tribe of Nebraska.

SEC. 424. CUYAHOGA RIVER, OHIO.

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

''SEC. 438. CUYAHOGA RIVER, OHIO.

''(a) IN GENERAL.—The Secretary shall—

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

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

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

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

SEC. 425. FREMONT, OHIO.

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

SEC. 426. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary shall—

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

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

(b) FEASIBILITY STUDY.—

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

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

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

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

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

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

SEC. 428. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

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

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

SEC. 429. GERMANTOWN, TENNESSEE.

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

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

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a) shall not exceed 25 percent.

(2) NON-FEDERAL SHARE.—The Secretary—

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

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

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

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

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

SEC. 431. CEDAR BAYOU, TEXAS.

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

SEC. 432. HOUSTON SHIP CHANNEL, TEXAS.

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

SEC. 433. SAN ANTONIO CHANNEL, TEXAS.

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

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

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

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

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

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

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

SEC. 435. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing

coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) PROJECT.—

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

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

(B) is environmentally acceptable and technically feasible; and

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

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

SEC. 436. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—The Secretary, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) STUDY COMPONENTS.—

(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

(c) USE OF INFORMATION.—On request of a relevant Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out this section shall be 50 percent.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. VISITORS CENTERS.

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

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

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

(a) IN GENERAL.—The Secretary—

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

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

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

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

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

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

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

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

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

(1) the lighthouse at Ontonagon, Michigan; and

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

(b) MAP.—The Secretary shall—

(1) determine—

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

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

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

(c) CONDITIONS.—The Secretary may—

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

(2) impose such terms, conditions, reservations, and restrictions on the conveyance;

as the Secretary determines to be necessary to protect the public interest.

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

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

(1) the lighthouse; or

(2) the conveyed land and improvements.

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

SEC. 504. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.

Section 563(c) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended—

(1) in paragraph (1)(B), by striking ''a deceased'' and inserting ''an''; and

(2) by adding at the end the following:

''(4) COSTS OF NEPA COMPLIANCE.—The Federal Government shall assume the costs of any Federal action under this subsection that is carried out for the purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

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

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

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

(3) NATURAL SYSTEM.—

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

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

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

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

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

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

(5) SOUTH FLORIDA ECOSYSTEM.—

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

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

(i) the Everglades;

(ii) the Florida Keys; and

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

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

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

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

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

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

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

(I) flood control;

(II) the enhancement of water supplies; and

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

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

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) CONDITIONS.—

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

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

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project or the Central Lakebelt Storage Project until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE FEDERAL COST.—The total Federal cost of all projects carried out under this subsection shall not exceed $206,000,000

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under any programs such as the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose.

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this Act, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—No appropriation shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State, shall ensure, by regulation or other appropriate means, that water made available under the Plan for the restoration of the natural system is available as specified in the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the President or the Governor to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the President or the Governor, as the case may be, to comply with the agreement, or for other appropriate relief.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) other Federal, State, and local agencies;

promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONTENT OF REGULATIONS.—Programmatic regulations promulgated under this paragraph shall establish a process to—

(i) provide guidance for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(ii) ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(iii) ensure the protection of the natural system consistent with the goals and purposes of the Plan.

(C) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(D) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) EXISTING WATER USERS.—The Secretary shall ensure that the implementation of the Plan, including physical or operational modifications to the Central and Southern Florida Project, does not cause significant adverse impact on existing legal water users, including—

(i) water legally allocated or provided through entitlements to the Seminole Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(ii) the Miccosukee Tribe of Indians of Florida;

(iii) annual water deliveries to Everglades National Park;

(iv) water for the preservation of fish and wildlife in the natural system; and

(v) any other legal user, as provided under Federal or State law in existence on the date of enactment of this Act.

(B) NO ELIMINATION.—Until a new source of water supply of comparable quantity and quality is available to replace the water to be lost as a result of implementation of the Plan, the Secretary shall not eliminate existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) Everglades National Park; or

(v) the preservation of fish and wildlife.

(C) MAINTENANCE OF FLOOD PROTECTION.—The Secretary shall maintain authorized levels of flood protection in existence on the date of enactment of this Act, in accordance with applicable law.

(D) NO EFFECT ON STATE LAW.—Nothing in this Act prevents the State from allocating or reserving water, as provided under State law, to the extent consistent with this Act.

(E) NO EFFECT ON TRIBAL COMPACT.—Nothing in this Act amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this Act until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the State, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the State of Florida that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h); and

(2) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

Mr. SMITH of New Hampshire. Mr. President, I say to my colleagues that there are amendments under the unanimous-consent agreement by Senators TORRICELLI, WARNER, VOINOVICH, and FEINGOLD.

I say to my colleagues who have those amendments, if they could proceed to the floor, the intention would be to try to get these amendments offered as soon as possible, knowing that Members do have airplanes to catch. We are hoping to yield back some of the debate time in order to get out a bit earlier. That will take the cooperation of all Members, especially those Members who are offering amendments or who have asked for time to debate other matters within this timeframe.

With the cooperation of Members, we could wrap it up hopefully by 6 o'clock or 7 o'clock. Without the cooperation of Members, it will go longer. It will be up to the leader as to how he will proceed with any votes.

I am very pleased to bring before the Senate the Water Resources Development Act of 2000.

AMENDMENT NO. 4164

(Purpose: To provide a complete substitute)

Mr. SMITH of New Hampshire. I ask unanimous consent we move to the managers' amendment, accept it, and it be considered original text for the purpose of further amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for himself and Mr. BAUCUS, proposes an amendment numbered 4164.

Mr. SMITH of New Hampshire. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SMITH of New Hampshire. The committee has worked very diligently to reach this point. It was quite a challenge: 99 Senators and me. We had a lot of projects. We had a lot of differences of opinion and a lot of things to work through. We worked very hard personally, wherever possible, wherever I needed to, with my colleagues on both sides of the aisle, to try to get accommodation for this bill. As it has been done since the Water Resources Development Act of 1986, the committee used a strict set of criteria to determine whether or not these projects would be included. Only those projects that met those criteria were included in this bill. As we know from many of the

hearings we had over the last year or so, there is a backlog of Corps projects which, with the help of Senator VOINOVICH, Senator BAUCUS, and others, we are trying to clear. We stuck to our criteria.

We received over 300 requests on harbor dredging, environmental restoration, flood control, a number of items in which the Army Corps would be involved. My colleagues and I drafted a bill that authorizes 22 new projects, containing 65 project-related provisions or modifications, and authorizes 40 feasibility studies—very complex, time consuming, a lot of detail, a lot of work at the staff and Member level to get there.

I appreciate the cooperation of Senator BAUCUS and his staff throughout this process, as well as Senator VOINOVICH on our side. Not even one-third of those 300 projects made the cut. I am proud of that. It is a reflection of the strength of the criteria that we worked so hard to keep in the bill and include in the bill, to stick to those criteria, trying not to make exceptions, because once you make exceptions, it opens the door to more and more projects which are not significant or important.

Our bill does not contain cost share waivers, environmental infrastructure projects, or authorized projects that are not technically sound, environmentally acceptable, or economically justified. Those are the criteria. I am very proud of that. We stuck to those criteria. We took some heat from some Members, but we thought we were fair to everyone by sticking to the criteria.

I commend Senators VOINOVICH and BAUCUS for their hard work, and their staffs, and, in addition to Senators VOINOVICH and BAUCUS, Senator MACK and Senator GRAHAM. Senator GRAHAM, of course, is a member of our committee. Senator MACK is not. But we treated Senator MACK as if he were a member of the committee. They had full input because of the Everglades issue which is such an important part of this bill. It was a pleasure to work with all of them in putting this bill together. It was very, very difficult.

This was a freestanding bill, the water 2000 provision, to restore America's Everglades. I introduced it with my colleagues, Senators BAUCUS, VOINOVICH, GRAHAM, and MACK, on June 27, 2000. The committee favorably reported out our Everglades bill by a bipartisan vote of 17–1, with an amendment to include the Everglades. It was an overwhelmingly bipartisan vote. I think we worked through this process in a bipartisan manner both at the staff level and at the Member level.

In January of this year in south Florida at the Everglades, I made a promise to the people of that State and to the Nation, with Senator GRAHAM by my side, as well as Senator VOINOVICH, that Everglades restoration would be the top priority of this committee. Speaking for myself, it would be my top priority as the chairman. It certainly has been Senator BAUCUS' top priority as he has worked with me throughout this process.

Since that markup, the committee, the State of Florida, the administration, industry groups, environmental groups, and two Indian tribes impacted by the Everglades restoration have all worked diligently on the managers' amendment that we all can support. I am pleased to report that S. 2796 with the managers' amendment is strongly supported by all vital interests. It is truly bipartisan. It is truly historic.

A few moments ago, Senator BYRD spoke on the floor about some of the partisanship. It is out there. We all do it. There is a time and place for it. But we didn't have it in this bill. Whatever differences we had with individual Members, they had nothing to do with what somebody had next to their name.

I will briefly comment on the Everglades issue and then turn it over to my ranking member, Senator BAUCUS.

We might ask, Why is Everglades restoration necessary? The Everglades is the biggest part of this water resources development bill, and that has been controversial because other Members did not get as much as Florida. But Florida has a special issue. The Everglades are very special. It is a very environmentally sensitive region of the country. It clearly is a treasure. I want my colleagues to understand why we believe time is of the essence.

This is a national treasure. It is a vast freshwater marsh which once was connected by the flow of water, a sheet of water, a river of water, flowing south from Lake Okeechobee all the way into the Gulf of Mexico, and once covered 18,000 square miles. It is the heart of a unique biologically productive ecosystem.

But now the Everglades is in peril. It is half the size it used to be. What happened? In 1948, we had a Federal flood control project, and 1.7 billion gallons of water a day as a result of that project are now flowing into the sea, totally lost. We asked the Army Corps to do this because we had flooding. We basically created a dam. On one side of that dam is the dammed-up water; on the other side essentially is a desert. That is not what the Everglades ecosystem was designed to be. So we needed to correct it. The Federal Government, the Congress, and the administration's direction at the time, in 1948, urged us to do it. They spent the money to do it. Now I think it is the Federal Government's responsibility, in conjunction with Florida, to correct it. That is exactly what this bill does. The original Central and Southern Florida Project was done with the best of intentions—the Federal Government simply had to act when devastating floods took thousand of lives prior to the project's construction. Unfortunately, the very success of the Central and Southern Florida Project disrupted the natural sheet flow of water through the so-called ''River of Grass,'' altering or destroying the habitat for many species of native plants, mammals, reptiles, fish, and wading birds.

We are going to recapture that wasted water, store it, and redirect it, when needed, to the natural system in the South Florida ecosystem. On July 1, 1999, the U.S. Army Corps of Engineers submitted to Congress a ''Restudy'' of the Central and Southern Florida Project. Called the Comprehensive Everglades Restoration Plan, this blueprint provides the details and layout of the 30-year restoration project.

The bipartisan Everglades legislation approves the Comprehensive Everglades Restoration Plan as the overall framework to restore the ecological health of the Florida Everglades. The bill also includes authorization of the initial projects necessary to get restoration underway. Specifically, the bill includes authorization of 10 construction projects. These projects, which employ already proven, standard technologies, were carefully selected by the Army Corps of Engineers and the South Florida Water Management District and included in the plan as the projects that would, once constructed, have immediate benefits to the natural system. Almost right away, the plan gets at restoring the natural sheet flow that years of human interference has interrupted.

If anybody has been in south Florida, been to the Everglades, you know what the Tamiami Trail is. Basically, that is a dam that blocks the flow of that water. We will begin the process of punching holes in that dam and allowing that sheet of water to flow once again.

The bill includes authorization of four pilot projects to test new and innovative technologies that may be employed in future restoration projects.

There is a requirement that future components of the plan must have a favorable Project Implementation Reports [PIR] from the Secretary of the Army, similar to a Chief of Engineer's report. Future projects will be authorized through the biennial Water Resources Development Act.

Adaptive management and assessment. One of my favorite aspects of the Comprehensive Everglades Restoration Plan is its inherent flexibility. If we learn something new about the ecosystem, perfect our modeling techniques, or just plain see that something is not working right, through the concept of adaptive management and assessment, we can modify the plan as new technologies and new methods become available. Much is made of this and much more will be made of this issue in the debate. This is a 36-year plan. This is a risk. It is not a sure thing. We take risks all the time in the money we spend, whether it is for a weapons system or cancer research. I am sure we would not say we haven't found a cure for cancer so therefore let's not risk any more money in research. We are saying if we do not do something to save the Everglades, we will lose the Everglades. So we have to

try. We believe, on the best science we can find, that we have reasonable expectations here to invest approximately $4 billion over 36 years. That is a can of Coke a year for every American. That is not a lot of investment. I think we would be willing to do that so our grandchildren can see alligators and wading birds and enjoy the Everglades as I have with my children on many, many occasions.

So we have adaptive management. It is a great concept. If it doesn't work, we stop and we try something else. We are not locked into something for the next 36 years. We are going to perfect our techniques. If something isn't working right, we are going to modify it.

We have ''assurances'' that the environment will be the primary beneficiary of the water made available through CERP. The overarching object of the Plan is to restore, preserve, and protect the south Florida ecosystem, while meeting the water supply, flood protection, and agricultural needs of the region. These assurances also protect existing water users, such as the Seminole Tribe of Florida's water compact.

This bill has unprecedented broad, bipartisan support. My colleague Senator GRAHAM has compared our feat to achieving peace between the Hatfields and the McCoys. This truly is a remarkable accomplishment that deserves recognition by the Senate in the form of swift passage.

Every major constituency involved in Everglades restoration has written us a letter of support and I will later ask unanimous consent that these letters be printed in the RECORD. Also, in addition to the bipartisanship, I think we should give a lot of credit to the State of Florida. The State of Florida certainly, along with the legislature, in a bipartisan unanimous vote set aside money for this project. Gov. Jeb Bush has been fantastic in his support, as has Senator GRAHAM and Senator MACK, and the entire congressional delegation. Presidential candidates GORE and Bush have also been supportive and expressed their support.

I think there is an understanding here, that this is a huge treasure that we must do something quickly to protect and preserve.

In addition to Senators VOINOVICH, BAUCUS, GRAHAM, and MACK; the administration; Florida Gov. Jeb Bush—I already mentioned them—the Seminole Tribe of Florida and the Miccosukee Tribe of Indians support this, as do Industry Groups: Florida Citrus Mutual; Florida Farm Bureau; Florida Home Builders; The American Water Works Association; Florida Chamber; Florida Fruit and Vegetable Association; Southeast Florida Utility Council; Gulf Citrus Growers Association; Florida Sugar Cane League; Florida Water Environmental Utility Council; Sugar Cane Growers Cooperative of Florida; Florida Fertilizer and Agri-chemical Association; and Environmental Groups: National Audubon Society; National Wildlife Federation; World Wildlife Fund; Center for Marine Conservation; Defenders of Wildlife; National Parks Conservation Association; the Everglades Foundation; the Everglades Trust; Audubon of Florida; 1000 Friends of Florida; Natural Resources Defense Council; Environmental Defense; and the Sierra Club.

I also have a set of colloquies and I will later ask unanimous consent that these colloquies be printed in the RECORD.

Garnering the support of these vast interests was not easy. Long hours of intense negotiations since the time the committee reported this bill has resulted in this broad coalition of supporters. They are not the only ones who recognize a good, effective bill when they see it. Newspaper editorial boards across the country have called for Congress to swiftly enact Everglades restoration legislation this year.

On September 13, the New York Times ran an editorial, ''Congress's Obligation to Nature.'' This editorial calls on Congress to approve two vital conservation bills, one of those being the Everglades bill. The New York Times had run an initial editorial in support of our Everglades bill on July 13, 2000.

On July 7, 2000, the Washington Post ran an editorial lauding restoration of the Everglades.

Just last week, on September 6, the Baltimore Sun ran an editorial, as well which summed up what we face now: absent action, the unique ecosystem will be lost.

Numerous Florida-based papers have also voiced strong support for the Everglades bill. On September 7, a Miami Herald editorial, ''Pass the 'glades bill,'' so correctly states:

> more delay serves no interest—not federal, state, tribal, regional, or local. Let this Congress authorize restoration . . .''

On July 23, a Tampa Tribune-Times editorial titled, ''Noble effort to rescue Everglades'' recognizes that:

> the long-term survival of the Everglades National Park, which belongs to all Americans, depends upon restoring a natural flow to the Glades . . . Congress should adopt this noble plan to rescue one of the nation's genuine natural wonders.

On June 30, the Sun Sentinel ran an editorial, ''Restoring the Everglades: Bill on the right track'' which stated that:

> Everglades restoration will require a massive, sustained commitment . . . but it is worth it.

And if I could indulge in one more, on June 28th, the Palm Beach Post editorial, ''Give Florida a lifeline'' summed it up:

> Florida and the feds need to get started.

It is clear that these major national and Florida newspapers agree: the bill is strong and the time is now. This Senate, this Congress and this administration must pass Everglades restoration before the conclusion of the 106th Congress.

If you care about the environment, if you care about this national treasure, you must join me, Senators VOINOVICH, BAUCUS, MACK, and GRAHAM, and help us move WRDA, with Everglades, forward. The Everglades cannot afford to wait. We have worked too hard to build this coalition of support and the Everglades has waited too long for Congress to notice and act upon its demise. Each day that we are delayed, we jeopardize the chances of realizing restoration. Each day that we are delayed, we come closer to losing this unique ecosystem. Each day that we are delayed, vital habitat is lost and we threaten the species that are already in peril. Each day that we are delayed, the Everglades come closer to sure extinction.

I am afraid too often people forget that the Everglades is a national environmental treasure. We need to view our efforts as our legacy to future generations. Many years from now, I hope that this Congress will be remembered for answering the call and saving the Everglades while we still had the chance. Mr. President, I strongly encourage my colleagues to support passage of the WRDA, with the Everglades title intact. With that, I will only add that I hope we can finish this bill expeditiously.

The PRESIDING OFFICER. Without objection, the managers' amendment is agreed to and the committee substitute is agreed to. The bill as thus amended is the original text now for the purpose of further amendment.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise to join my good friend and chairman of the Environment and Public Works Committee, Senator SMITH, in supporting S. 2796, the Water Resources Development Act of 2000. I will say a few words about the bill and a couple of words about some projects in Montana, and finally wrap up with further comments about the Everglades restoration.

This bill authorizes projects for a lot of different areas. It is really quite a sweeping bill: flood control, for one, navigation, shore protection, environmental restoration, water supply storage, and recreation.

It also modifies some existing projects and directs the Corps to study other proposed projects. All projects in this bill have the support of a local sponsor, somebody at home willing to share the cost of the project.

Even a brief review of the projects will demonstrate the importance of passing this bill. A number of the projects are needed to protect shorelines along oceans, lakes, and rivers.

Several of the navigation projects will ensure that our ports remain competitive in an increasingly global marketplace. The studies authorized in the bill will help us make informed decisions about the future use and management of our water resources.

Each project in this bill has been reviewed by the Army Corps of Engineers and has been found to be in the Federal

interest, technologically feasible, economically justified, and environmentally sound. These projects have also been reviewed in accordance with applicable standards and also with our own committee criteria; in other words, they are worthy of support.

Let me mention two that are very important to my State of Montana. First is the authorization for a fish hatchery at Fort Peck. This fish hatchery will make good on a long-awaited promise on the Fort Peck project; namely, to create more opportunities for people in communities like Sidney, Malta, Lewistown, Billings, and, of course, Glasgow, and all across Montana.

Fort Peck Lake, one of the greatest resources that exists in our State, not only plays a major role in power production, water supply, but it is an increasingly important center for recreation. Not just for Montanans; people from all around the world—believe me, that is true, all around the world—come to Fort Peck Lake, MT, for our annual walleye tournaments. Hundreds of boats and probably 1,000 or more anglers participate in these events. It is amazing. I was there last summer. It is truly a sight to behold, all these boats taking off for a major national fishing tournament. The local community really puts its heart and soul into these tournaments.

Local folks have also collaborated on raising a lot of money for the matching share of the feasibility study for the fish hatchery, from Sidney, Malta, Glasgow, all across northeastern Montana. There are not a lot of people in northeastern Montana, but there is a lot of spirit and spunk and a lot of wide open spaces.

Fort Peck Lake is very important to these communities, in some sense it is almost the heart and soul of the northeastern part of our State. So, these communities have come together, they have raised the funds, and they have pitched in to support the fish hatchery project.

The State legislature also passed a special warm water fishery stamp to help provide additional financial support for the hatchery.

This hatchery will help ensure the continued development of opportunities at Fort Peck Lake, and it will represent a major source of jobs and economic development for that part of our State.

Another provision of the bill that affects my State of Montana is the one that affects cabin sites that are leased by private individuals on Federal land at Fort Peck Lake. The lake is huge. It is surrounded by the Charles M. Russell National Wildlife Refuge, but there are a lot of private in-holdings in this refuge.

This provision will allow cabin leases to be exchanged for other private land within the refuge that has higher value for, say, fish, wildlife, and recreation. By consolidating management of the refuge lands, the provision will reduce the cost to the Corps associated with managing these cabin sites. It will also enhance public access to the refuge lands.

This exchange is modeled on a similar project, of which I am very proud, near Helena, MT, which Congress authorized in 1998. It represents a win-win-win solution—a win for the public, a win for the wildlife, and a win for the cabin site owners.

I also want to mention another landmark provision in this bill referred to at some length by my good friend, Senator SMITH, chairman of the committee. In addition to the usual project authorizations contained in the water resources bill, this bill also affords a historic opportunity. Title 6 of the bill is known as the Comprehensive Everglades Restoration Plan.

Restoration of the Everglades has been many years in the making. For example, in the 1970s, the State of Florida became concerned that the previously authorized central and south Florida water project was doing too good a job. Why? Because it was draining the swampy areas of the State and was, in fact, draining the life out of the Everglades.

Under the leadership of our current colleague from Florida, Senator GRAHAM, who was then Governor GRAHAM, the State recognized that the health of the entire south Florida ecosystem, including the Everglades, was in serious jeopardy and that a major effort was needed to restore it.

Ever since, Senator GRAHAM has worked tirelessly to achieve that goal. I can testify to that personally. The comprehensive plan to restore this valuable ecosystem that is contained in the bill before us is the culmination of his work.

The Everglades is clearly a national treasure. I know it holds a particularly special place in the hearts of Senator GRAHAM and Senator MACK. Senator MACK joined Senator GRAHAM to make Everglades restoration a key part of their agenda for the State of Florida. Both of them worked very hard in a bipartisan way to make this provision a reality.

The administration, under the leadership of the Corps of Engineers and Army Assistant Secretary for Civil Works, Joe Westphal, with the cooperation of the Department of Interior and the Environmental Protection Agency, are also committed to bringing all the affected parties together to develop a plan that will work for the State of Florida, the ecosystem, and the Everglades.

The committee has worked with all the stakeholders in South Florida and with the administration to develop the consensus contained in this bill. There are provisions to review the progress of the plan, to make sure it is working, to require Congress to approve steps along the way, and to assure the water will be where it is needed, when it is needed.

We cannot wait for the Everglades to die. We have to begin now to restore it. This project is the largest environmental restoration project in the Corps' history, and it will reverse the decline of the Everglades. It is the right thing to do. I know my colleagues will join us with in supporting this section of the bill and the Water Resources Development bill generally.

I have one final point. I pay special commendation to the chairman of our committee, Senator SMITH. The first committee hearing he held as chairman of the committee was in Florida on the Everglades. It was there he saw the need to restore the Everglades, and it was there he made his pledge to the people of Florida, and to the Nation, to restore the Everglades. That is the hallmark of the very balanced, solid, far-reaching, and perceptive way in which he has handled the chairmanship of the Environment and Public Works Committee.

We are here today, in many respects, not only because of the Senators from Florida, Senators GRAHAM and MACK, and others, but also because of Senator SMITH's farsighted work as chairman of the committee. I thank him, as well as the others, for what they have done for a true national treasure.

Mr. SMITH of New Hampshire. I thank my colleague for those remarks.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I yield whatever time he may consume to my colleague, the chairman of the subcommittee, Senator VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I congratulate the chairman of the Environment and Public Works Committee and his staff, and the ranking member and members of his staff for their terrific work. I also thank Senator GRAHAM and Senator MACK for their patience as we worked through some of the problems we had with the Florida Everglades restoration project.

This Water Resources Development Act of 2000 is a product of months of hard work by the Environment and Public Works Committee. The bill provides authority for the Secretary of the Army to carry out 24 projects for water resources development, conservation, and other purposes, substantially in accordance with the Chief of Engineer reports referenced in the bill language.

In addition to the projects authorized by WRDA 2000, there are a number of significant policy provisions in the bill, including a provision to enhance the Corps' ability to accomplish multiple jurisdiction watershed studies, a provision to extend the ability-to-pay provisions to all types of projects, and a provision to accelerate project deauthorizations, which is very important.

The bill also provides for a facilitated role for the Corps to partner with non-Federal interests in implementing

small environmental restoration projects on a regional basis including the Ohio River, the Puget Sound region, New England, the Great Lakes region, Chesapeake Bay, and the Illinois River.

There are some who may question the need for a WRDA bill this year since Congress passed a WRDA bill just last year. In reality, last year's bill was actually unfinished business from 1998, and if Congress is to get back on its 2-year cycle for passage of WRDA legislation, we need to act on a bill this year. The 2-year cycle is important to avoid long delays between the planning and the execution of projects, and also to meet Federal commitments to State and local government partners who share the costs with the Federal Government.

While the 2-year authorization cycle is extremely important in maintain efficient schedules for completions of important water resources projects—as I explored in a hearing I conducted in May of this year—efficient schedules also depend on adequate levels of funding. Unfortunately the appropriations for the Corps; program have not been adequate to meet the needs that have been identified.

I would like to direct my colleagues' attention to Chart No. 1. This chart dramatically illustrates what has occurred. Chart No. 1 shows our capital investment in water resources infrastructure since the 1930s, shown in constant 1999 dollars, as measured by the Corps of Engineers Civil Works construction appropriations. You can see the sharp decline from the peak in 1966 of a $5 billion appropriation, and appropriations through the 1970s in the $4 billion level, to the 1980s, and then to the 1990s, where as you can see, the annual Corps construction appropriations have dropped substantially. Corps projects have averaged only around $1.6 billion during this period of time.

Another dramatic thing has happened, as illustrated in the next two charts. We are asking the Corps of Engineers to do more with less. These two charts show the breakdown by mission area for the Corps' construction appropriation in FY 1965 and FY 1999.

If we look at the FY 1965 chart, you will see that in FY 1965, most of the money went for flood control, navigation, and hydropower.

Then we come to 1999. We find that the Corps' mission has expanded into many, many other areas: Shore protection, environmental infrastructure. So we have asked the Corps to take on a lot more responsibility than it ever had before.

As the FY 1999 chart shows, there is a dramatic mission increase with environmental restoration as a significant mission area, and two new mission areas: environmental infrastructure, and remediation of formerly used Government nuclear sites. Environmental infrastructure, as contrasted with environmental restoration, includes such work as construction of drinking water facilities and sewage treatment plants.

What is the point of all this?

If you recall the chart, the Corps construction appropriations have been falling since 1965, and its falls sharply in the 1990s. At the same time, the Corps' mission has been growing.

The result is today's huge backlog of over 500 active projects that will cost the Federal Government some $38 billion to complete. Think about it—$38 billion.

These are worthy projects with positive benefit-to-cost ratios and capable non-Federal sponsors. The projects in the backlog that are being funded for construction are being funded under spread out schedules that result in increased construction costs and delays in achieving project benefits.

I recognize that budget allocations and Corps appropriations are beyond the purview of this Water Resources Development Act. But the backlog issue impacted very fundamentally the way we approached WRDA 2000 by highlighting the importance of adhering to three important criteria in putting together the bill.

We adhered to these criteria which made many of our colleagues unhappy because many of the projects they wanted did not fit into the criteria we laid down.

First, we controlled the mission creep of the Corps of Engineers. WRDA 2000 addresses national needs within the traditional Corps mission areas: needs such as flood control, navigation shore protection, and the emerging mission area of restoration of nationally significant environmental resources such as the Florida Everglades.

The second thing we did in WRDA 2000 is make sure that the projects we are authorizing meet the highest standard of engineering, economic and environmental analysis.

We can only assure that projects meet these high standards if projects have received adequate study and evaluation to establish project costs, benefits, and environmental impacts to an appropriate level of confidence. This means that a feasibility report must be completed this calendar year before projects are authorized for construction. That is a requirement.

Finally, we have to preserve the partnerships and cost-sharing principles of the Water Resources Development Act of 1986. WRDA 1986 established the principle that water resources projects should be accomplished in partnerships with State and local governments and that this partnership would involve significant financial participation by the non-Federal partners.

My experience as mayor of Cleveland and Governor of Ohio convinced me that the requirement for local funding to match Federal dollars results in much better projects than where Federal funds are simply handed out. It doesn't matter if it is parks, housing, highways, or water resources projects, the requirement for a local cost share provides a level of accountability that is essential to a quality project. Cost sharing principles were enforced in this WRDA bill.

I am very proud of the discipline that the Environment and Public Works Committee exercised in putting together this bill Chairman SMITH should be congratulated. I recognize, though, that not everyone, as he said has been satisfied, but I believe that our authorization actions must reflect the fiscal realities of the Corps national program.

Without a doubt, the centerpiece of WRDA is the Comprehensive Everglades Restoration Plan. I want you to know, I have spent a lot of time in the Everglades on a number of different occasions. I want my grandchildren and their grandchildren to have the same experience as I have had in enjoying this wonderful national treasure.

Our Environment and Public Works Committee Chairman BOB SMITH and his staff deserve enormous credit for making this Everglades provision a reality, particularly in the very difficult area of assuring that the benefits to the natural system are realized while the interests of other water users are adequately protected.

As Senator BAUCUS said, this is not only the largest restoration project the Corps has undertaken, but it is the largest restoration project ever undertaken in the world. So this is really quite an undertaking.

My role in putting together the Everglades title has been to assure that we moved the Everglades Restoration Plan forward while achieving consistency with the criteria that applied to all the projects in this WRDA bill. The Everglades Restoration Plan is extremely important but there are other critical water resources needs reflected in this WRDA bill. I believe the playing field should be level for the consideration of all projects.

I want my colleagues to know that we spent a great deal of time making sure that the Florida Everglades restoration plan does fit into the criteria we have establishes for other projects.

Originally, the administration's Everglades legislative proposal deviated substantially from Corps of Engineers and Environmental and Public Works Committee policies for other water resources projects, and would have set precedents which would have been very damaging to preserving effective Congressional oversight of the Corps of Engineers program. Our goal was to hold the Everglades project to the same standards that apply to other projects. This is really important.

We have accomplished a great deal in meeting this objective. I would just like to mention a few of them to give comfort to my colleagues.

First, we have reduced the level of programmatic authority for restoration projects that can be accomplished without congressional review. That is very, very important. The levels we have set are applicable to other parts of the Corps program.

We have required that two primarily land acquisition projects have been

earmarked to be accomplished under other programs. That was in this. We are saying, No. Those will be done someplace else.

We have expressed concerns about advanced wastewater treatment and indicated that more effective ways of providing additional water must be explored.

We have eliminated the provision that would have allowed reimbursement to the State of Florida for the Federal share of work accomplished by the State. However, we have retained the ability of the State to receive credit for work in-kind for up to 50 percent of the work but only as this work is accomplished proportionate to Federal expenditures based on appropriations. In other words, they cannot move ahead of Federal appropriations.

We have added an incentive to encourage the completion of the modified water deliveries to the Everglades project which is essential to many aspects of Everglades restoration.

I think our most important accomplishment was in assuming that individual Everglades projects receive the same level of congressional review as other water resources projects. The administration recommended 10 projects for authorization at a total cost of $1.1 billion without a traditional feasibility report level of detail and without individual project justification.

These projects would have been authorized without congressional review of the detailed information normally associated with a Corps feasibility report and required of every other large Corps of Engineers project as a condition of authorization.

I am pleased to have been able to add a requirement to the Everglades section of the bill that no appropriation shall be made to construct any of the 10 projects until the Secretary submits the Project Implementation Report on the individual projects. Such reports will be presented to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and each committee will be able to approve the projects by resolution.

This assures that the Everglades projects will get a similar level of congressional oversight as other Corps projects.

I believe we have accomplished a great deal in making this Everglades Plan acceptable to all parties. The only question I have is the question of the operation and maintenance costs. I will be discussing that later in an amendment.

As a final item, let me turn to the redevelopment of the former Homestead Air Force Base and its relationship to the Comprehensive Everglades Restoration Plan.

In December of 1999, the U.S. Air Force and the Federal Aviation Administration released a draft supplemental environmental impact statement, EIS on the disposal of 1,632 acres of the former Homestead Air Force Base. About 870 acres of the Homestead Air Force Base has been retained as the Homestead Air Reserve Station.

This draft supplemental EIS presents as its proposed action the redevelopment of portions of the Homestead Air Force Base as a regional airport with a projected 150,000 annual air operations by 2015, and an estimated 231,000 air operations at maximum use. As a point of comparison, Reagan National Airport has about 300,000 air operations and Miami International Airport has over 500,000 air operations.

The draft supplemental EIS presents three mixed use development plans and a commercial spaceport as alternatives to the regional airport. The draft supplemental EIS was circulated for public comment in December 1999. The Air Force is currently evaluating the comments on the EIS and plans to make a final decision on conveying the property later this year.

If we look at this map, here is the Homestead Air Force Base in Homestead, FL. Ten miles away is the Everglades National Park, 2 miles away from that is Biscayne National Park, and about 10 miles away is the National Marine Sanctuary. This is the Everglades project. We can see that the use of this base will have a large impact on this very fragile area of Florida we are trying to restore.

I agree with the assessment of the Natural Resources Defense Council and eight other national and local environmental groups, that the information generated in preparing the draft supplemental EIS does not support the proposed action of regional airport development.

This information reinforces what common sense would dictate: the Homestead base is an inappropriate site for the proposed commercial airport. Indeed airport development would have a number of different adverse impacts:

It would significantly increase the noise in Everglades and Biscayne Parks, potentially affecting wildlife and detracting from the experience of visitors. At places within Everglades Park, the amount of time that aircraft noise would be above the ambient sound levels would increase more than two hours. Portions of Biscayne Park would experience similar increases up to 2 hours.

The proposed airport would be an air pollution source equivalent to a large power plant, with increases of emissions to about 392 tons per year in nitrogen oxides by 2015.

The secondary and cumulative impacts of commercial airport development would result in residential and commercial growth in the surrounding area that would frustrate planned Everglades restoration activities, specifically, the Biscayne Coastal Wetland feature of the Comprehensive Everglades Restoration Plan.

Private environmental groups are not alone in raising objections to the commercial airport development. Federal and State environmental agencies have also raised strong objections.

The Department of the Interior, commenting on the EIS, indicated that the development of a commercial airport near Biscayne and Everglades National Parks could have a series of negative consequences on these nationally and internationally recognized resources including significant noise impacts, increased contaminants in Biscayne Bay and impacts on the Comprehensive Everglades Restoration Plan. Secretary of the Interior Bruce Babbitt also has publicly expressed his personal opposition to the airport development.

The Environmental Protection Agency has serious environmental objections to the airport proposal.

The National Marine Fisheries Service does not recommend the commercial airport development because of the loss of buffer areas between the airport and Biscayne Bay.

The Florida Department of Environmental Protection is opposed to this development. They say it poses a threat to the protected terrestrial and marine environment within the Florida Keys' Area of Critical State Concern.

The South Florida Water Management District is concerned about the impacts of off-site growth generated by the airport redevelopment plan on 40,000 acres of wetlands owned and managed by the Management District.

I recognize the argument that the City of Homestead has made regarding the economic boost that the airport would provide to the city and surrounding area. When I was a member of the Ohio legislature, these same kinds of economic arguments were advanced in pressing for my support of oil and gas exploration leases in Lake Erie.

However, I believed that the environmental health of Lake Erie was more important in the long run to the economic health of Ohio than the short term revenue from oil and gas exploration.

I believe the same is true of redevelopment of Homestead Air Force Base. The environmental health of Biscayne Bay, the Everglades National Park and the Florida Keys are much more important to the long term economic future of Homestead than any airport proposal. There are alternative uses of the base property that are compatible with South Florida environmental restoration—uses that would also make significant contributions to the economy of the region.

Clearly if it was my decision to make, I would not redevelop the Homestead Air Force Base as a commercial airport. We are approving a Comprehensive Everglades Restoration Plan which will involve Federal and State expenditures of $7.8 billion. I believe it would be irresponsible to approve an investment of billions of dollars in the restoration of the south Florida ecosystem, while at the same time ignoring a re-use plan for Homestead Air Force Base that is incompatible with the restoration objectives.

My preference would have been to elevate the decision on Homestead redevelopment from the Secretary of the Air Force to the Secretary of Defense to make the decision in conjunction with the Department of Interior, the EPA, and the Department of Commerce.

This approach was not acceptable because of perceptions that it would interfere with the process and cause a delay in the decision. I have agreed instead—and it is in this bill—to a sense-of-the-Senate provision that conveys the concern of the Senate about potential adverse impacts of Homestead redevelopment and about the need for consistency in redevelopment and restoration goals. This approach was endorsed by environmental interests, and it is my hope that it will make a difference in the ultimate decision on Homestead.

I know that through all of this I have been sometimes categorized as an opponent of Everglades Restoration. Nothing could be further from the truth. I believe my efforts have helped assure that this effort can move forward. I look forward to passage of WRDA 2000 and the opportunity to get started on the Comprehensive Everglades Restoration Plan and the other critical water resources projects contained in the bill.

I thank the Chair and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I recognize that the senior Senator from Massachusetts is going to address the Senate for about an hour. It is my understanding, with his courtesy, that he will allow the Senator from Virginia to send to the desk an amendment and ask for its consideration, with the understanding that it will be laid aside for such period of time as the senior Senator from Massachusetts desires. Am I correct in that?

Mr. KENNEDY. The Senator is correct.

Mr. WARNER. I thank my good friend and colleague, the senior Senator from Massachusetts.

I send to the desk, on behalf of myself and my colleague Senator VOINOVICH, an amendment. In two or three sentences, the amendment simply does the following: Since 1986, the Senate has operated under a law whereby projects built by the Corps of Engineers, pursuant to the process of authorizing projects, are then, upon completion, carried by the States—the financial burden of the operation and maintenance of those projects.

The current legislation along the Everglades—and I am going to vote for the Everglades provision—changes that law by virtue of setting a precedent whereby the Federal taxpayer will pay half the cost of operation and maintenance for the life of the project.

Now, with due respect to my distinguished chairman and good friend, Senator SMITH, and others, who have written this legislation, I cannot understand any valid reason for changing a law that has been in effect for 14 years and served this Nation so well for this single project. My colleague from Ohio shares these concerns. That is the purpose of this amendment—to strike only a few words, providing the exception for this particular Florida project, and saying the Florida project will be treated just as all the other projects that have been authorized by the Congress in the past 14 years and presumably in the future.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Massachusetts is recognized.

Mr. KENNEDY. I understand that under the agreement I have up to an hour, is that correct?

The PRESIDING OFFICER. The Senator is correct.

ISSUES THE SENATE SHOULD CONSIDER

Mr. KENNEDY. Mr. President, this afternoon we are considering legislation on the preservation of our water resources. That is an important issue and it should be debated, but in the short time remaining in this session, we also must answer the call of the American people for real action on key issues of main concern to working families. We still must raise the minimum wage. We must pass a Patients' Bill of Rights—a real Patients' Bill of Rights. We must enact a prescription drug benefit as a part of Medicare. We must invest in education in ways to make a real difference to our children. We must strengthen our laws against hate crimes. We must adopt sensible gun control to keep our communities and our schools safe.

But the Congress has done little more than pay lip service to these concerns of working families. In fact, this year, we have done little work at all. By the time this Congress is scheduled to adjourn only 2 weeks from now, the Senate will have met for only 115 days. That is the lowest number since 1956. It is only 2 days shy of the record set by the famous do-nothing Congress in 1948.

We know what the Senate leader has said about how he wanted to spend the last few weeks of this Congress, and that we would work day and night to get the business done. We were supposed to work on legislation by day and on appropriations bills by night. Specifically, Senator LOTT said, on September 6:

> We will focus the greatest time commitment on four other priorities. The four worthy are the permanent trade relations with China, completion of the 11 remaining appropriations bills for the fiscal year that begins October 1, raising the annual limits for protected savings in 401(k), individual retirement accounts, and the elimination of some unfair taxes like the telephone tax.

In a letter to GOP Senators, Senator LOTT wrote:

> The Senate will focus on the completion of the remaining appropriations, the China trade bill, and on the votes to override the President's vetoes of our bipartisan bills to end the marriage penalty and the death tax.

There was no mention of key priorities such as prescription drugs, Patients' Bill of Rights, or the minimum wage.

Senator LOTT said:

> When we return to session after Labor Day, there will be long days, but we will do our best to keep Senators advised, after communicating with leadership on both sides of the aisle, on what the schedule will be.

The Senate is still waiting for an answer to our unmet priorities, and so are the American people.

H–1B HIGH-TECH LEGISLATION

Mr. President, I'm pleased that the Senate is finally taking steps to debate and vote on the H–1B high tech visa legislation. Our nation's economy is experiencing a time of unprecedented growth and prosperity. The strong economic growth can, in large measure, be traced to the vitality of the highly competitive and rapidly growing high technology industry.

I'm proud to say that Massachusetts is leading the nation in the new high tech economy, according to a recent study by the Progressive Policy Institute. Thanks to our world-class universities and research facilities, Massachusetts is a pioneer in the global economy of the information age. We are home to nearly 3,000 information technology companies, employing 170,000 people, and generating $8 billion in annual revenues.

With such rapid change, the nation is stretched thin to support these new businesses and their opportunities for growth. Nationally, the demand for employees with training in computer science, electrical engineering, software, and communications is very high.

In 1998, in an effort to find a stop-gap solution to this labor shortage, we enacted the American Competitiveness and Workforce Improvement Act, which increased the number of temporary visas available to skilled foreign workers. Despite the availability of additional H–1B visas, we have reached the cap before the end of the year in the last two fiscal years.

We need to be responsive to the nation's need for high tech workers. We know that unless we take steps now to address this growing workforce gap, America's technological and economic leadership will be jeopardized. I believe that the H–1B visa cap should be increased, but in a way that better addresses the fundamental needs of the American economy. Raising the cap without addressing our long-term labor needs would be a serious mistake. We cannot count on foreign sources of labor as a long-term solution.

These are solid, middle class jobs that Americans deserve under the H–1B program. The median salary for H–1B high tech workers is $45,000. Approximately 57 percent of H–1B workers have earned only a bachelor's degree. More than half of these workers will be

employed as computer programmers and systems analysts. These are not highly specialized jobs. They do not require advanced degrees or years of training. American workers are the most productive workers in the world. It makes sense to demand that more of our workers be recruited and trained for these jobs.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I am happy to yield.

Mr. DURBIN. Mr. President, I thank the Senator for the comments he is making. I ask him if he would draw a historical parallel to the situation we faced in the late fifties, when the Russians launched Sputnik and we, as a nation, decided to devote resources into a National Defense Education Act, so that we would have the scientists and engineers to be able to compete then with the Russians in the space race. President Kennedy followed on with our exploration into space.

Aren't we facing a similar challenge today regarding whether we will be able to compete in the 21st century with the scientists and engineers and skilled employees with all the other nations competing for the very best jobs?

Mr. KENNEDY. The Senator is exactly right. That is why, when we do have the measure before us, we will offer amendments to try to develop the support in the Senate, and also in the House, for the funding of a program that will help ensure that this deficit, in terms of the highly skilled who are being addressed by the H–1B visa, will be eased. We will utilize very effective services. For example, the National Science Foundation, which has a good deal of skill and understanding and awareness in giving focus and attention to encouraging highly specialized vocations and support for these types of programs.

We will welcome the opportunity to join with my friend from Illinois in bringing this to the attention of the Senate when we actually have the measure before us. We are very hopeful that we will have the opportunity to address it and not have steps taken in the Senate that will foreclose both the debate and discussion on this issue.

The fact is that the great majority of these H–1B jobs have good, middle-income salaries, and they are the kinds of jobs that would benefit any family in America. For a number of reasons, which I think many of us are familiar with, we have not developed the kinds of training programs and support programs for the development of the skills in these areas that we need. But the question that will be before us is, Should we throw up our hands and say we won't do that and we will depend upon a foreign supply of these workers in the future?

I think not. I think we should take the steps now to make sure this provision actually becomes an anachronism.

Perhaps we will also need opportunities for those who have the very highly specialized skills to come here and to benefit and fit into some aspect of either industry or academia. We ought to recognize that. But to rely on the kind of jobs where only 57 percent of H–1Bs earned a bachelor's degree and the average income is only $45,000—this is a long way from those. I think most Members of the Senate and I certainly think most Americans would say H–1B is a superscientist that is going to go to a very specialized company or that will generate thousands of jobs. That may be true for very few that are included. But the fact is, for the most part, these are the kinds of jobs that can be filled with American labor if they have the right kind of skills, and we ought to be able to develop that effort as we go into this program.

We also hear countless reports of age and race discrimination as rampant problems in the IT industry. The rate of unemployment for the average IT worker over age 40 is more than 5 times that of other workers. Just when we should be doing more to bring minorities into technology careers, we hear that organizations in Silicon Valley cannot get companies to recruit from minority colleges and universities, or hire skilled, educated minorities from neighboring Oakland. The number of women entering the IT field has also dramatically decreased since the mid-1980s. If the skill shortage is as dire as the IT industry reports, we can clearly do more to increase the number of minorities, women and older workers in the IT workforce.

Any credible legislative proposal to increase the number of foreign high tech workers available to American businesses must begin with the expansion of high-skill career training opportunities for American workers.

Now more than ever, employer demand for high-tech foreign workers shows that there is an even greater need to train American workers and prepare U.S. students for careers in information technology. As Chairman Alan Greenspan recently stated,

The rapidity of innovation and the unpredictability of the directions it may take imply a need for considerable investment in human capital . . . The pressure to enlarge the pool of skilled workers also requires that we strengthen the significant contributions of other types of training and educational programs, especially for those with lesser skills.

When we expanded the number of H–1B visas in 1998, we created a training initiative funded by a visa fee in recognition of the need to train and update the skills of members of our workforce. Today, as we seek to nearly double the number of high tech workers, we must ensure that legislation signed into law includes a significant expansion of career training and educational opportunities for American workers and students.

I propose that we build on the priorities in current H–1B law. The Department of Labor, in consultation with the Department of Commerce, will provide grants to local workforce investment boards in areas with substantial shortages of high tech workers. Grants will be awarded on a competitive basis for innovative high tech training proposals developed by workforce boards collaboratively with area employers, unions, and higher education institutions. Annually, this program will provide state-of-the-art high tech training for approximately 50,000 workers in primarily high tech, information technology, and biotechnology skills.

More than ever, today's jobs require advanced degrees, especially in math, science, engineering, and computer sciences. We must encourage students, including minorities to pursue degrees in these fields. We must also increase scholarship opportunities for talented minority and low-income students whose families cannot afford today's tuition costs. We must also expand the National Science Foundation's merit-based, competitive grants to partnership programs with an educational mission. Equally important, closing the digital divide must be a part of our effort to meet the growing demand for high skilled workers.

The only effective way for Congress to responsibly ensure more high skill training and scholarships for students is to increase the H–1B visa user fees. High tech companies are producing record profits. They can afford to pay a higher application fee. According to public financial information, for the top twenty companies that received the most H–1B workers this year, a $2,000 fee would cost between .002% and .5% of their net worth. A $1,000 fee would cost them very little. Immigrant families with very modest incomes were able to pay a $1,000 fee to allow family members to obtain green cards.

The H–1B debate should not focus solely on the number of visas available to skilled workers. It should also deal with the professional credentials of the workers being admitted. It makes sense to expand the number of H–1B visas to fill the shortage of masters and doctoral level professionals with specialized skills that cannot be easily and quickly produced domestically. We should insist that a significant percentage of the H–1B visa cap be carved out and reserved for individuals with masters or higher degrees.

In the days to come, we will have the opportunity to debate these issues and pass legislation that meets the needs of the high technology industry by raising the visa cap and also by ensuring state-of-the-art skills training for American workers. Clearly, however, the immigration agenda is not just an H–1B high-tech visa agenda. Congress also has a responsibility to deal with the critical issues facing Latino and other immigrant families in our country. To meet the needs of these immigrants, my colleagues and I have introduced the Latino and Immigrant Fairness Act.

The immigrants who will benefit from this legislation should have received permanent status from the INS long ago. These issues are not new to Congress. The Latino community has been seeking legislation to resolve these issues for many years. The immigrant community—particularly the Latino community—has waited far too long for the fundamental fairness that this legislation will provide.

This measure is also critical for businesses. All sectors of the economy are experiencing unprecedented economic growth, but this growth cannot be sustained without additional workers. With unemployment levels at 4 percent or even lower, many businesses find themselves unable to fill job openings. The shortages of highly skilled, semi-skilled and low-skilled workers are becoming a serious impediment to continuing growth.

Information technology companies are not the only firms urging Congress to provide additional workers. An equally important voice is that of the Essential Worker Immigration Coalition, a consortium of businesses and trade associations, and other organizations, including the U.S. Chamber of Commerce, health care and home care associations, hotel, motel, restaurant and tourism associations, manufacturing and retail concerns, and the construction and transportation industries.

These key industries have added their voices to the broad coalition of business, labor, religious, Latino and other immigrant organizations in support of the Latino and Immigrant Fairness Act. Conservative supporters of the Act include Americans for Tax Reform and Empower America. Labor supporters include the AFL-CIO, the Union of Neeletrades and Industrial Textile Employees, and the Service Employees International Union.

All of the major Latino organizations support the bill, including the Mexican American Legal Defense and Educational Fund, the National Council of La Raza, the League of United Latin American Citizens, and the National Association of Latino Elected and Appointed Officials. Religious organizations include a broad array of American Jewish groups, the U.S. Catholic Conference, and Lutheran Immigration and Refugee Services.

The Latino and Immigrant Fairness Act includes parity for Central Americans and Haitians. In 1997, Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which granted permanent residence to Nicaraguans and Cubans who had fled their repressive governments. The act provided other similarly situated Central Americans and Haitians with the opportunity to apply for green cards under more difficult and narrower standards and more cumbersome procedures.

It is unfair not to provide the same relief for all immigrants seeking safe haven in the United States. Fairness requires that we address this grave injustice. As Congresswoman CARRIE MEEK said on the floor of the House of Representatives ''Nicaraguans, Cubans, Guatemalans, and Salvadorans . . . live next door to each other in some of our communities [but] one will get a green card and the others cannot. One could seek citizenship after 4 to 5 years; the others cannot. Is that fair? My answer is no, it is not fair.''

Senator MACK, Senator ABRAHAM, and others said, ''Last year, we adopted legislation to protect Nicaraguans and Cubans. But Haitians were unfairly excluded from that bill. The time has come for Congress to end the bigotry. We must remedy this flagrant omission and add Haitians to the list of deserving refugees.''

There it is, Mr. President, those who have reasonable access: Cubans and Nicaraguans; those who have unreasonable access, Salvadorans, Guatemalans, Haitians, Hondurans, and immigrants from Eastern European countries. We have the support from the Chamber of Commerce and from the AFL–CIO to bring this in. With H–1B legislation we are looking out for the high tech industry; why not look out for other industries, as well? We had a strong indication of support by two Republican Senators last year when this was passed. Yet we are being denied the opportunity by the Republican leadership to bring this matter before the Senate. We are being denied the opportunity by the Republican leadership to have a vote on it. We will agree to a time limit. They are denying even the chance to bring it up. That is wrong. That is unfair. It is unjust.

We are going to do everything we possibly can to remedy that through other parliamentary means. The idea that we are bringing up one particular proposal to look at high tech—and I am all for those provisions, and stated my support for them—and saying we should be able to deal with this issue and expand the job opportunities for other Americans, while on the other hand, saying absolutely no, we are going to set up a parliamentary situation where we are absolutely denied the opportunity to bring that up. It is supported by the religious and business communities, and has had the support of Republican Senators, but we are being denied the opportunity to bring it to the floor for a vote. It is wrong. It is unfair. The American people ought to understand it.

Not only are we failing to deal with some of the key issues which are at the heart of the American families' concerns, but we are refusing to be fair on this issue with regard to the Latino and Immigrant Fairness provisions. The Latino and Immigrant Fairness Act will create a fair and uniform set of procedures for all the immigrants from the region who have been in this country since 1995.

It is important to remember the recent history of why people in Central America and Haiti fled from their homes. In Guatemala, hundreds of so-called ''extra-judicial'' killings occurred every year between 1990 and 1995. Entire villages ''disappeared.'' Most of the villages were probably massacred. In El Salvador, an end to 12 years of civil war has not meant an end to violent internal strife. Ironically, the death toll in 1994 was higher than during the war. In Honduras, the Department of State's Human Rights Report cites ''serious problems,'' including extra-judicial killings, beatings and a civilian and military elite that has long operated with impunity. Haiti has been ruled by dictators for decades. In September 1991, Haiti's first democratically-elected government was overthrown in a violent military coup that was responsible for thousands of extra-judicial killings over a three-year period.

The idea that we have discriminatory provisions in our immigration laws is nothing new. I remember in 1965 when we passed the Immigration Act, which eliminated the Asian Pacific triangle, a provision that went back to the old Yellow Peril days. In 1965, we permitted only 125 Asians to come into the United States. We effectively excluded Asians from their ability to immigrate here. We gave preferences to others. Who did we give preference to? To those who qualified under the national origin quota system that was based upon the ethnic requirements.

The immigration laws in our country historically have been filled with these inequities, and we have been battling to try and make them fair and just. Now we are refusing to eliminate one of the most glaring discriminatory aspects that has ever existed in our immigration laws, and we are being denied that opportunity on the floor of the Senate by the Republican leadership. That is fundamentally wrong.

Providing parity for immigrants from countries in Central America and Haiti will help individuals such as Ericka and her family. In 1986, when Guatemala was in the midst of a civil war, Ericka's father was abducted and disappeared. He is presumed dead. The rest of the family fled to the United States for safety. When Ericka joined her mother in 1993, she was a minor and could be included in the family's asylum application. Her family now qualifies for permanent residence under NACARA. However, because Ericka is 21, she no longer qualifies under this law and will therefore remain in legal limbo—or worse, be deported back to Guatemala.

This is happening every single day. She lives in fear of being sent back to the country where her father was killed. Her life here is in limbo. She graduated from high school and has dreams of going on to college. But without permanent residence, she cannot qualify for scholarships. Passage of the Latino and Immigrant Fairness Act will enable her to remain in the United States with her family and continue her education.

The Latino and Immigrant Fairness Act will also provide long overdue relief to immigrants, who because of bureaucratic mistakes, were prevented from receiving green cards long ago. That is one aspect of the bill. Listen to this and wonder why we can't address this aspect of the law.

In 1986, Congress passed the Immigration Reform and Control Act, called IRCA, which included legalization for persons who could demonstrate that they had been present illegally in the United States since before 1982. There is a one-year period to file. However, INS misinterpreted the provisions in IRCA, and thousands of otherwise qualified immigrants were denied the opportunity to make timely applications.

Several successful class action lawsuits were filed on behalf of individuals who were harmed by these INS misinterpretations of law. The courts required the INS to accept filings for these individuals. One court decision stated:

> The evidence is clear that the INS' . . . regulations deterred many aliens who would otherwise qualify for legalization from applying.

They went to court. The court found for them. We are talking about 300,000 individuals. The court found for them and said: You are qualified, you got misinformation from the agency that was supposed to administer this. We apologize. Go ahead and apply.

Then what happened? The ink was not even dry and in 1996, the immigration law stripped the courts of the jurisdiction. The Attorney General ruled that the law superseded the court cases. As a result of these actions, this group of immigrants have been in legal limbo and fighting government bureaucracy over 14 years.

We are denying them the opportunity to make the adjustment of their status. Our bill will alleviate this problem by allowing all individuals who have resided in the United States prior to 1986 to obtain permanent residency, including those who were denied legalization because of INS' misinterpretation, or who were turned away by the INS before applying.

Consider Maria. Maria, who came to the United States 18 years ago, has been living in legal limbo with temporary permission to work, while courts determine whether she should have received permanent residence under the 1986 legalization law. Maria now has a U.S. citizen son who suffers from a rare bone disease that confines him to a wheel chair. As a result of the changes in the 1996 immigration law, Maria has now lost her work permit. Her father recently passed away in El Salvador, but her tenuous legal status did not permit her to return there to pay her last respects. All Maria wants to do is legalize her status and continue to work legally to support her family and pay her son's medical bills. Without the passage of this legislation, Maria faces an uncertain future.

This bill will also restore section 245(i), a vital provision of the immigration law that permitted immigrants about to become permanent residents to apply for green cards while still in the U.S. for a $1,000 fee, rather than returning to their home countries to apply.

Section 245(i) was pro-family, pro-business, fiscally prudent, and a matter of common sense. Under it, immigrants with close family members in the U.S. are able to remain here with their families while applying for legal permanent residence. The section also allows businesses to retain valuable employees, while providing INS with millions of dollars in annual revenue, at no cost to taxpayers. Restoring Section 245(i) will keep thousands of immigrants from being separated from their families and jobs for as long as ten years.

America has historically been open and welcoming to immigrant populations seeking to build new lives, free from the fear of persecution and tyranny. The Latino and Immigrant Fairness Act builds on that tradition, by restoring fairness to the immigrant community and fairness in the American legislative process. This legislation will regularize the status of thousands of workers already in the U.S., authorize them to work —that is what this is all about, obtaining a Green Card so they can work, pay taxes—and create a policy that is good for families and good for this country. It will correct past government mistakes and misdeeds that have kept hard-working immigrant families in bureaucratic limbo for far too long.

This is legislation that cannot wait. Families are being torn apart because we have failed to take the necessary steps to pass the Latino and Immigrant Fairness Act. Before the August recess, Democrats attempted to bring this legislation before the Senate, but the Republican leadership objected. Just last week, Democrats were prepared to debate and vote on this legislation as part of the high-tech visa bill, but our Republican colleagues were unwilling to bring this measure to the floor and take a vote. They prefer to talk about their support for the Latino community, rather than take tangible steps to benefit immigrant workers and their families.

Few days remain in this Congress, but we are committed to doing all we can to see that this legislation becomes law this year. Passage of this bill will be a victory for all who believe in justice, fairness, and the American dream.

There may be individuals who want to take issue with those observations I have made. We would be glad to debate them. We had, under the Democratic leader's proposal, indicated a willingness to limit amendments to, I believe, five amendments and to have short time agreements on all of those. We could have disposed of this whole legislation and done it in a way that would have expressed the will of the Senate. Instead, we are spending all week on it. We are spending virtually the whole week. With 3 weeks left, we are spending a whole week on this legislation and are still failing to deal with the fundamental issues of fairness which are within the legislation, although we will have an opportunity to deal with it, and that is the Latino and Immigrant Fairness Act.

I hope we will have that chance. I am confident Senator DASCHLE will give us that opportunity. We look forward to debating these issues. But we ought to be able to do that in the sunshine on the open floor of the Senate. Maybe there are those who differ, who believe this is not an issue of fairness. Maybe there are those who say we ought to have a dual standard, one standard for the high-tech industry and a different standard for those who basically track their heritage to Spanish tradition.

I cannot speak about what the reservation is, but I fail to be persuaded by any of the arguments I have seen so far about why we should not have fairness, the Latino and Immigrant Fairness Act, as we are having fairness in the H–1B. Maybe there are those who will want to engage in that discussion and debate. I will look forward to participating in that as well.

Mr. President, I wanted to take a few moments now of the remaining time—I will only take 15 more minutes.

In addition, I want to mention briefly my sense of what, we ought to be addressing in the Senate. We are constantly reminded that we do not set the agenda, that it is the other side that sets the agenda. We have certainly learned that over the period of this year. But we want to let the millions of Americans who are out there, who care about these issues, know that there are Members in the Senate who are deeply committed to these areas of public policy and who want to take action and think action can be taken in the areas of education, education reform; in the area of prescription drug and prescription drug reform; in the area of patients' rights and patients' rights reform. I spoke yesterday about the importance of the minimum wage.

On the issues of education, what is of enormous concern to me is—I read earlier, into the RECORD, what was going to be the calendar established by the Republican leader. But I also want to read this, so we have a good idea of what the Republican leader has said on other occasions about education. This is the majority leader's promises on education.

On January 6, 1999:

> Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

It is important for this reason: This will be the first time in 35 years—the first time in 35 years, if we do not reauthorize the Elementary and Secondary Education Act, that we have failed to do so.

Maybe there is a good reason for that. Maybe there are other higher priorities. But when the Senate spends 16

days debating the issue of bankruptcy, with 55 amendments, and then has a 6-day debate on education, and of the seven rollcall votes, three of them were virtually unanimous—we have not had the real debate and discussion the American people want.

Nonetheless, we have these promises, promises on education. This is what was said:

Remarks to U.S. Conference of Mayors Luncheon, January 29, 1999—But education is going to have a lot of attention, and it's not going to just be words. . . .

Press conference, June 22, 1999—Education is number one on the agenda for Republicans in the Congress this year.

Remarks to U.S. Chamber of Commerce, February 1, 2000—We're going to work very hard on education. I have emphasized that every year I've been majority leader. . . . And Republicans are committed to doing that.

Speech to the National Conference of State Legislatures, February 3, 2000—We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Congress Daily, April 20, 2000—. . . Lott said last week his top priorities in May include an agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.

Senate, May 1, 2000—This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

Press Stakeout, May 2, 2000—

Question: Senator, on ESEA, have you scheduled a cloture vote on that?

Senator Lott. No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every state, including my own state. For us to have a good healthy, and even a protracted debate and amendments on education I think is the way to go.

Senate, May 9, 2000—

Senator Kennedy: As I understand, . . . we will have an opportunity to come back to [ESEA] next week. Is that the leader's plan?

Senator Lott: That is my hope and intent.

Then on July 10:

I, too, would very much like to see us complete the Elementary and Secondary Education Act. I feel very strongly about getting it done. We can work day and night for the next 3 weeks.

Then finally, July 25:

We will keep trying to find a way to get back to the legislation and get it completed.

The reason we are not having a debate is because the majority thought there might be an amendment dealing with limiting the opportunity for children to obtain guns in school areas. That kind of outrageous question, about whether we were going to try to make our schools safer and more secure, once that was even mentioned, the word went out and we effectively found there was not going to be any more debate and discussion.

However, in 1994, under Republican leadership, the Republican leader actually cosponsored a weapons amendment. At that time, no one on that side of the aisle said: Oh, no, we are not going to consider it. That is not relevant to education. We want to make sure we are not only going to have smaller class sizes, better trained teachers, afterschool programs, modernization of schools, more technology available, greater accountability, preschool help and assistance for our children, but we want our children to be safe and we want them to be secure.

I think parents understand that and support it.

We are denied the opportunity to even vote on that. It used to be around here, years ago in the Senate—and also not that long ago—when people had differences, you settled them through debates and by votes. Now you settle them by not even bringing them up.

That is where we are: Nowhere, on the issues of education.

This is in spite of the fact we know that student enrollment will continue to rise in the foreseeable future. According to the U.S. Department of Education's 2000 Baby Boom Echo Report, between 1990 and the year 2000, growth in the K–12 student population has gone up by 6.6 million students, from 46.4 million to 53 million. And, even beyond the next ten years, the number of school-age children will continue to increase steadily. Between the year 2000 and the year 2100, the total will rise from 53 million to 94 million children, 41 million more children are going to be going to schools in this country.

Does anyone believe the education issue is going to go away? Does anyone think by not calling it up or giving it attention it is going to disappear? We used to debate these issues and then have resolution.

This is against the background that in more recent times, since 1980 to 1999, the Federal share of education funding has declined from 11 percent to 7.7 percent for elementary and secondary education, and 15 percent to 10 percent for higher education. I know there are Members who do not want any funding in elementary and secondary education.

I was here in 1994 when the new Republican leadership took over. The first thing they did was decrease funding for programs under the Elementary and Secondary Education Act. That was the first major debate. I know they have been in favor of abolishing the Department of Education. I am aware of that. Most parents think we ought to have a partnership and that we ought to move ahead.

I would like to mention just one other fact. More students today are taking advanced math and science courses. This is very encouraging since these rigorous classes provide the foundation that students need to acquire solid math knowledge. In precalculus, the percent who are taking advanced placement courses has increased from 31 percent to 44 percent; calculus, 19 percent to 24 percent; physics, 44 percent to 49 percent.

SAT math scores are the highest in 30 years. Modest, gains have been made, but the upward trend lines are very important, and they have consistently flowed upwards. This is important. We ought to be debating this. We ought to know what schools are doing to achieve that success. We ought to benefit from those schools' successes. We ought to give our support to those successful efforts. We ought to give flexibility to the local community to make sure their schools are successful.

Why can't we debate this? We have more children taking the SATs than have ever taken them before. All of these SAT math scores—for males and females—are following an upward trend.

But, our work is far from over. In spite of this promising news, the results so far are not enough. Now is not the time to be complacent. We still have enormous problems. We have them in my State and in many of our largest cities. In so many of these areas, we have teachers, parents, communities, business leaders, and workers who are prepared to do something. In my city of Boston, we had a net day. We were 48th out of 50 States in terms of access to the Internet. We had net days around our State. Now we are tenth, and it was all done voluntarily.

The IDEW in Boston laid 450 miles of cable and did it voluntarily. We had contributions from the software industries of tens of millions of dollars. Many helped the teachers in training programs. They were delighted to do it. They wanted to work on it. Things are happening. We are not saying we are the only solution, but what we are saying is let's find ways we can be supportive. We are not given that opportunity.

Finally, I want to mention two other areas. One is on the issue of the Patients' Bill of Rights. It has been just over a year since the House passed good Patients' Bill of Rights legislation—the bipartisan Norwood-Dingell bill. The Senate passed another bill that failed to meet these requirements.

I remind the American people, there is not a single medical organization that supports the Republican proposal. Not one. I have said that a dozen times. I have challenged the other side to come up with a single medical organization in this country that supports their proposal. There isn't any. Three hundred support ours. Every children's group, every women's group, every group representing the disabled, every medical group of every stripe has supported ours—North, South, East, and West. We still cannot get it. If the Republicans would let us vote on this again, we would have a majority of the Members of this body support the bipartisan proposal that passed the House of Representatives. The American people ought to know that the Senate leadership is keeping this bottled up.

This chart shows the particular protections and where they came from. I am not going to take the Senate's time now to read all of them. If one is looking at where these protections came from, access to emergency care was recommended by the Committee on the

Patient's Quality Commission, based of Democrats and Republicans. It was a unanimous recommendation. It is also from the insurance commissioners, the Association of Health Providers, plus it is already in Medicare. Every one of these protections has been out there one way or the other. We should be about the business of ensuring that the American people are going to get all the protections.

I see my good friend from the State of Florida who is doing such an important service to the Senate in bringing a historic perspective to the importance of a prescription drug bill, and the emotional and day-to-day reality that exists without these protections.

We still have a chance to vote on these issues. We have two different proposals that are basically before us. The one that Senator GRAHAM will introduce and support and that has broad support will ensure that individuals benefit from a prescription drug benefit program that lets doctors decide what is in their best interest. It can go into effect a year from now. That is enormously important.

The proposal that has been recommended on the other side consists of block grants that go to the States, in which 28 million American seniors will not participate because they will not be eligible. We will also have to wait until the money is actually appropriated by the Congress to those States.

States will need enabling legislation to provide those prescription drugs, and then sometime after 4 years, if there is a modernization program under Medicare, there can be a prescription drug benefit. If my colleagues want to take their chances and roll the dice, that is the way to go. If they want to have a dependable, reliable, stable, predictable benefit program, it should be under Medicare. The seniors understand that. They have confidence in it. They want it strengthened. We have a responsibility to do that. We can build on that program for a sound and effective future.

I will be glad to yield the remaining time to the Senator from Florida.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts wanted to be notified when he had 15 minutes.

Mr. KENNEDY. I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time? The Senator from Utah.

Mr. BENNETT. Mr. President, it is my understanding there is an hour reserved under the control of Senator THOMAS.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. It is my understanding further, Mr. President, and I inform the Chair, that with Senator THOMAS' permission, I am here to claim that time. Is there objection to my doing that?

The PRESIDING OFFICER (Mr. L. CHAFEE). Without objection, the Senator has the time.

Mr. BENNETT. Mr. President, I say to my friend from Florida, I want to respond briefly to the comments of the Senator from Massachusetts and then perhaps respond to the Senator from Florida.

The Senator from Massachusetts has touched a number of issues in this debate. I am not sure I can keep up with him in terms of the volume of subjects he has brought before us, but I will try to respond to some that I think need response.

I will start with the H–1B issue, which is the issue with which he started. He told us at great length how much he supports the H–1B program and described the high-tech activity in Massachusetts, his home State, which is dependent on our doing something about the H–1B problem. He did not tell us that he was one of two Senators—and there were only two—in the committee who voted against reporting out the H–1B visa bill about which we are talking. So it is clear his support is conditional on a number of things.

He outlined those on the floor. And he is certainly entitled to his conditions and to his attitude with respect to them. But I will point out a few things with respect to H–1B which those Senators who are primarily responsible to the AFL-CIO, in their political lives, do not seem to talk about.

We talk about jobs. The Senator from Massachusetts said: Many of the jobs for H–1B visas are filled by people who do not require very high academic standards, so those can be filled by Americans. We should only have the H–1B visas for people with master's degrees and doctorates. He talked about a screening program that would be set up by the Federal Government to determine, on the basis of academic credentials, who could get in and who could not get in on the H–1B system.

I spent a good portion of my life in the private sector. I found that experience to be tremendously valuable to me when I came to the Senate. At one point in my young life, I fantasized about the possibility of coming here as a very young Senator, taking a seat maybe in my thirties or even forties. Now I am very glad that I did not do that because that would have meant I would have spent all of that time in the governmental orbit and not learning some very fundamental lessons in the private community.

The first lesson I learned in the private community—and learned it again and again and again whenever the situation came up—was that the marketplace rules. I have said here before that if I could control what we carve in marble around here, along with the Latin phrases, which are inspiring and wonderful and historic, I would carve another slightly more practical phrase in marble, to keep it before us so we never forget it, and it would be: "You cannot repeal the law of supply and demand." We try that every once in a while. We try to repeal the law of supply and demand with congressional mandates. This is what, frankly, the Senator from Massachusetts would be up to if he had his way on the H–1B visa issue.

Why is there an H–1B visa issue? Because there is a gap between supply and demand. It is as simple as that. There is an enormous demand for certain kinds of jobs in this country. Currently it is running somewhere between 350,000 and 400,000. That is the demand. For whatever reason, the American educational system cannot supply the workers to fill that demand. There is a pool of skilled workers who can fill that demand worldwide, and that pool of supply will meet that level of demand. The only question is: Where?

We held a high-tech summit in the Joint Economic Committee, of which the senior Senator from Massachusetts is a member. He came to that summit and heard the executives of the high-tech companies speak to us. I am not sure whether he was there when one particular statement was made, but it made a strong impression on my memory, and I would remind the Senator from Massachusetts, and others, of what one particular man said.

He said: "Senators, understand, this work"—he was referring to the demand—"will be done by these people"—referring to the supply. "The only question is, whether they will do it living in the United States or living abroad."

In today's high-tech world, in today's world of the Internet, the job can be sent electronically to the worker living in India, or Pakistan, or some other country; and the results of the work can be sent electronically back to the corporate headquarters in Silicon Valley, or Route 128 in Massachusetts, or Utah Valley, or Salt Lake Valley, or the Dulles Corridor, or any other high-tech center you might want to identify.

I cannot understand why it is not recognized in this Chamber almost universally that it would be better for the United States to have highly skilled, highly motivated, immediately qualified individuals living in the United States, paying taxes in the United States, adding to the economic activity of the United States, while they do this work, instead of having them live abroad and paying their taxes and making their contributions to the economy of other countries.

Yet the restrictions that would be put on H–1B visas, primarily at the behest of the AFL-CIO, would have the effect of saying, you can't do this work in the United States. And to have the Government screen those who can get H–1B visas on the basis of the Government's criteria of what constitutes the appropriate educational level, is to deny clearly the impact of the market.

No one is going to hire someone on the basis of anything other than that person's ability to do the work. I do not want to say to Hewlett-Packard or Intel or Novell, or any other high-tech

company you can name: You can't hire this worker because we in the Government have decided that he does not have the appropriate educational credentials.

I want Hewlett-Packard to make that decision. They might not make it right. But it is the shareholders of Hewlett-Packard who pay the price if they make a mistake. That is the way the entire American economy has been built from the very beginning, and that is the way it will flourish in the future.

But no, we have from the Senator from Massachusetts an outline of the restrictions that the Government should put on the hiring practices of American companies. And we have from the Senator the statement that the Government should decide who is qualified to come in under an H–1B visa to fill one of these high-tech jobs.

Whenever the Government gets involved in trying to change the law of supply and demand, you get one of two things—I said this yesterday when we were in the debate on the minimum wage; I repeat it today—whenever the Government interferes with the law of supply and demand, you either get a shortage or you get a surplus.

Let me expand on that a little. As I reread my remarks from yesterday, I was not as clear as I usually like to be.

Right now, we have an example of the Government dictating how many foreign nationals can come in to work in the high-tech industry. They set the amount below that for which there is demand. What is the result? A shortage. Interfering with the law of supply and demand, the Government says, we will only allow this many, when, in fact, the requirement is for that many; and the result is we have a shortage of these workers.

A flip side of this, where surpluses are created, is where the Government sets a price higher than the market would. If I can go back historically to a time that is impressive to the Western U.S., the Government said: We will buy silver at a set price for our coinage. They set the price of silver higher than the market price. What happened? Everybody went out to find any kind of silver in their mountains, or any sort of mining operation, and the Government acquired a huge surplus of silver. The price was set higher than the market would set and it created a surplus.

In the case of skilled workers, the quantity is set lower than market demands, and we get a shortage.

So once again, engraved in marble on the walls: ''You cannot repeal the law of supply and demand''—and recognize that every time you try, all you do is create either an artificial surplus or an artificial shortage.

As I said, with respect to H–1B visas, the work will get done either in the United States or abroad; and it will get done by the same people either in the United States or abroad. The only question we have to ask ourselves is, Do we want the people who are doing this work, getting paid by American corporations, drawing salaries with which they support their families, to be living in the United States and spending those salaries in the United States, contributing to the tax base of the United States, adding to the economic benefits of the United States, or do we want them living abroad?

Obviously, the American companies that seek to hire these individuals want them here because it is more efficient for them to be here. It would mean higher costs for them if they had to do the work abroad, but they will absorb those higher costs because they have to do the work. If they don't, America will lose its technological lead. America will lose its edge over the rest of the world, and we will see the technology world begin to disappear.

We have recaptured it. There was a period of time when people said the future lies in Japan, that America's great day of technological advance is behind us, that the Japanese have taken over. I remember those debates. I remember those speeches. It is not true. There is no country in the world that is close to the United States in our technological edge.

But to maintain that technological edge, not rest on our oars and coast into the future, we have to have a skilled workforce that can keep things moving forward. It is not available in this country. We have to let those companies hire on a worldwide basis so that the edge can be maintained here.

People say, well, they are taking jobs from Americans. Again, Mr. President, the statistics are clear. There are 350,000 to 400,000 high-tech jobs going begging right now because there are not people qualified to fill them. Companies are paying bounties to their employees who bring in a potential employee. In many companies in Silicon Valley, an existing employee will be paid thousands of dollars if he can introduce another prospective employee to his company who gets hired. Bounties are being paid to find people with these skills so that the companies can maintain their technological skills.

It is not a matter of saying, well, there are Americans who will be shut out if the H–1B visa program passes. It is not a matter of saying there are American graduates from American universities who will be denied jobs if we let these other people in. No. It is a matter of jobs going begging, jobs that have to be performed if this country is to maintain its technological edge, people who are capable of filling those jobs being allowed to come into this country and perform them.

Now there is one other aspect to this that I will highlight and discuss. That is the importance of maintaining America's edge. I have referred to it already, but I want to expand on it a little bit.

It used to be that in the industrial age, when a company was established and momentum was created in the marketplace, you could expect the momentum of that company to carry it forward not only for years but probably for decades. In today's world, a technology company can disappear virtually overnight if somebody else gets the edge on them and produces something better quickly. The most important factor in today's economy is speed, the speed with which you get your product to market, the speed with which you move ahead of your competitor. That means, once again, qualified people. That means, once again, being able to fill those particular assignments.

Now the Senator from Massachusetts says, well, what we really need to do is spend money increasing training. We look at the bills that are before the Appropriations Committee, and there is an enormous amount of money being spent to increase training in the United States to try to close this educational gap. I would be more than thrilled if we could say that there were already 400,000 American graduates from American universities ready to fill these jobs, that we don't need any visas for high-tech people abroad.

One of the ironies of that, however, that applies to the H–1B visa issue, is this: a large percentage—indeed, in some universities it is close to 50 percent—of the high-tech graduates of these universities are foreign born. They hold foreign passports. We give them visas to come to this country to gain the best education that is available anywhere in the world in these high-tech skills. Then when they graduate, we say to them: Thank you very much; you cannot stay because we can't give you an H–1B visa.

The American taxpayers—in the State of Utah, it is my State taxpayers—are subsidizing those universities. Why? Because we want the product that comes out of them in the form of qualified graduates. So we have ourselves in the interesting and ironic situation of saying, because we believe in education, we will appropriate money for higher education on both a Federal and State level; because we believe in education, we will do everything to make the American university system the very best in the world, which it is; and because we believe in opportunity, we will allow students from all over the world to come to these schools.

But when they have been here and partaken of that tax subsidy and have obtained that education, we say to them: Now you can't work here. You have lived here for 4 years, 5 years, 6 years, with a graduate degree, maybe you have been here 7 or 8 years. You have become assimilated into American culture. You have become comfortable with hamburgers and pizza (which is more of an American food than it is Italian food, I have discovered). You feel comfortable in all of this. You are ready to find a job. You can't find a job in the hotbed of technological advancement, which is the United States of America. You have to go home. We won't give you an H–1B

visa after we have subsidized your education at taxpayer expense.

I have a hard time understanding how that makes any sense, that these students from our best universities, who have received the taxpayer subsidy giving them the best degrees, then have to leave because of the artificial barriers created by the attempt, once again, of Government to try to repeal the law of supply and demand.

When we talk about Americans filling these jobs, talk about graduates of American universities filling these jobs, let us understand that many of those graduates are themselves the very people who will benefit from the H–1B visa program that is included in this bill.

Now a few other comments, and then I will yield the floor.

I was interested to hear the Senator from Massachusetts talk about the fact that there are jobs going begging in this good economy and how difficult it is for employers to fill jobs. He was speaking at this time not about the H–1B visa and the high-tech kind of jobs, he was speaking about very ordinary jobs. He was speaking on behalf, he said, of immigrants who he wanted to come in to fill these jobs. He said these jobs are going begging and we need to pass his particular bill in order to make it possible for these immigrants to take these jobs.

I am not a member of the appropriate committee, so I cannot comment in detail on the bill he was pressing, but I would like to go back to our debate of yesterday when the senior Senator from Massachusetts was demanding that we raise the minimum wage. We have raised the minimum wage. We do that periodically. But he is demanding that we raise the minimum wage again.

To me, there is an interesting gap between the rhetoric of yesterday that says these people cannot support themselves on their wage and the Government must interfere, once again, with market forces that set their wages, to push those wages up, and then the rhetoric of today that says there are a bunch of low-level jobs going unfilled.

If the jobs are going unfilled, why is it? It is, once again, because there are not people qualified to take them. I told the Senate yesterday about the experience I have in my home State. When I talk to employers, they say their biggest problem is finding workers. They can't get anybody to fill the jobs.

I ask them: Do you offer more than the minimum wage?

The answer is always: Yes, we are offering more than the minimum wage.

The problem is not that the Government hasn't mandated a high enough wage in order for these people who are just subsisting at minimum wage to get by; the problem is they do not have the skills that will allow them to return enough value to the employer so they can command the jobs that are open in this economy.

The Senator from Massachusetts answered his rhetoric of yesterday with his rhetoric of today. I hope he can connect the two so that we can realize that the challenge for people who are living at poverty's edge, the working poor who are getting by on just the minimum wage, is not Government intervention to artificially demand that they be paid more and, thereby, in some cases, run the risk of being priced out of the market for the skills they have. The challenge is to see that their skills are improved. That is where training money should go. That is where many American corporations are spending their training money, and that is where the educational challenge becomes most obvious.

American corporations are spending billions of dollars to teach employees how to read and write. That is correct—billions of dollars to teach basic skills that should have been learned in public schools and were not.

Now we get to the next issue that the Senator from Massachusetts talked about in his presentation, which is education. I was lured back into public life by the issue of education. I was very happy being the CEO of a comfortable and profitable company.

I got a phone call one day saying: Would you be willing to serve as a member of the strategic planning commission for the Utah State Board of Education and address our education issue?

I said: Yes, that sounds like a proper kind of citizen thing to do.

Then I got a phone call a few days later and they said: By the way, we want you to be the chairman of that commission.

Thus, I found myself dragged in a little further and a little deeper than I had originally planned.

I immersed myself in education issues and came out of that experience absolutely convinced of several things:

No. 1, education is our No. 1 survival issue. Now that the Soviet Union is no more, nothing threatens the future of America, long term, so much as the educational challenge that we face. I am sure that the Senator from Massachusetts would agree with me on that.

No. 2, nothing is more high bound and determined not to change than the educational institution in this country. And we have seen that in the debate on this floor. We have seen that in the educational initiatives that have been offered on this floor. The Republicans have brought forth proposal after proposal after proposal that would bring fresh air, new opportunities, new experimentation into the educational establishment. Some of them passed, some of them were filibustered. Those that were passed were vetoed. And always we were told the solution to education is to put more money into the present system.

Now, there is a cliche that we have in the business world that says, ''If you want to keep getting the result you are getting, keep doing what you are doing.'' If we want to continue the educational crisis and challenge that we have in this country, then we should keep funding education as we are funding it. But when the Senator from Washington proposes allowing 10 States to experiment—if they want to—with a greater degree of local control over Federal dollars, we are told: No, that threatens public education as we know it. We can't do that. That is risky, that is dangerous.

We keep reminding our friends on the other side that if the State doesn't want to do that, they don't have to. We are not mandating this kind of change. We are just making it an opportunity. No, they filibuster against that. They say the President will veto that. They say we can't consider that.

I am not one of those who thinks that a voucher program constitutes a silver bullet that is going to solve every educational problem. I know some on my side of the aisle do believe that. I don't; I think there are serious problems with vouchers. But I am willing to experiment with them to find out whether or not in certain circumstances vouchers can help. I am willing to try and get a little data. The data we have with respect to vouchers is quite encouraging—sufficiently encouraging that Robert Reich, a former Secretary of Labor in the Clinton administration, a man not known for his right-wing proclivities, wrote a piece in the Wall Street Journal that said that the data is in and vouchers work. I was stunned when I read that. I thought, gee, the experiment is over and we know that it works. He had a most interesting, most creative kind of further proposal to test the implication of vouchers.

But, once again, we heard again and again: No, no, we can't experiment with that. It will threaten public education as we know it. And here are their key words, which test very well in a poll, and they work very well in a focus group: If you try the Republican experiment in education, you will drain money away from the public schools.

There is an answer to Robert Reich in the Wall Street Journal recently, where Governor Hunt says: No, no, no; you can't do this because what you are doing is taking money away from the public schools.

Well, Mr. President, as I say, I spent most of my life in the private sector. I think I understand money and the movement of money. This is the way I understand it. Let me walk through it and see if someone can help me realize how it takes money away from public schools to run one of these experiments.

Let's say that a school district is spending $7,000 per year on a child. There are many public school districts in this country that spend more than that. We happen to spend less than that in Utah for a variety of reasons. We spend considerably more than that here in the District of Columbia.

Let's take that as a number, for the sake of this illustration. The school district is spending $7,000 per child.

Along comes a Republican opportunity to try something with that child, and we follow the Robert Reich formula that says this is only with low-income children. We will not subsidize a Member of Congress who wants to send his children to private schools, as many Members of Congress have done—as the Vice President has done. No, we won't subsidize them. We will say that only low-income people who otherwise could not even conceive of going anyplace else will be eligible for this program. That is Robert Reich's proposal. OK. Let's take $5,000 and say to this child: You can take $5,000 and go someplace else.

As I say, in the private world where I have spent most of my time, $5,000 subtracted from $7,000 leaves $2,000. It seems to me that if you do that, you are saying to that school district you have an extra $2,000 per child for every child to whom you give a voucher, and you can use that $2,000 per child to spend on the children who stay. You can increase spending per child in the public school system if you adopt a voucher program such as the one Robert Reich has endorsed.

I do not ever hear that when we hear the rhetoric about education. You are taking money away from the public school system. In the aggregate, yes; you probably are. But we don't teach in the aggregate. We fund and we teach per child. If you are going to make your calculation on the basis of the amount of money available per child, you want as many children on vouchers as you can possibly get because you are going to make an extra $2,000 for every two grand on every one of them. That extra $2,000 is available for the kids who stay in the public system.

I would be very interested to have anyone on either side of the aisle explain to me why that math doesn't work. Explain to me why the reality of those numbers doesn't add up because they always add up every time I do the calculation. Every time I run through the examples, it always ends up being more money per student less in public education if you try one of these experiments.

I repeat again that I do not believe that vouchers represent a silver bullet. I have spent enough time examining them that I think there are some serious problems with them. I think it needs to be checked and rechecked. We need to be very careful before we endorse any kind of massive movement towards vouchers as some of my fellow Republicans have done.

But I ask those who do not even want to experiment: What are you afraid of finding? Are you afraid of finding that it might work? I am not afraid of finding that it fails. I am willing to admit that it was wrong, once we have some actual data. As I say, Robert Reich decided the data demonstrates that it works. The city of Milwaukee has been doing it longer than anyone else. They endorsed it and say it is working there. The driving force behind it was an inner-city black single mother named Polly Williams who serves as a liberal member of the Democratic State legislature. She says: The private system is failing my child. It is failing our children.

Interestingly, when you do the polls, support for this kind of experimentation is perhaps highest in the minority community—not the white, middle-class soccer moms in the school districts where the schools do a pretty good job, but in the inner-city minority schools where the children are being left behind,

Ultimately, this is the solution to the H–1B visa problem. It is fixing American education so that we have enough Americans to fill those 400,000 high-tech jobs. But it will not be done in the way that the Senator from Massachusetts wants to do it.

I repeat: If you want to keep getting the results you are getting, keep doing what you are doing. That is basically what he has offered us—keep putting more and more money into the present system, and don't even think about experimenting with it. When the Republicans say, let's try giving more control to the local school board, we are told, No. That would threaten the present system. When the Republicans say, let's experiment in the District of Columbia with some vouchers and see what happens, we are told, No. That would threaten the present system.

I believe we are trying to act responsibly with respect to the education situation. I am afraid there are some others who are trying to act politically and respond to the teachers union and other parts of the educational establishment for whom the only thing better than things the way they are is things the way they were. They don't want to try anything different. They don't want to experiment in the way the late Senator from Georgia tried—it was vetoed; the way the Senator from Washington tried, it was vetoed; the way Robert Reich suggested we try, and it was filibustered.

I think we should say to the Senator from Massachusetts: What are you afraid of? What are you afraid of in terms of experimentation? Don't filibuster; don't tell the President to veto. Let us have some of this experience, and then we will see if we can't move in the direction which will give us the graduates from American universities who will fill the 400,000 high-tech jobs.

One final comment: The Senator from Massachusetts talked at great length about problems with the INS and the problems with aliens here on an undocumented status who would like citizenship—that we must pass a law in order to solve their problems. Again, I am not a member of the committee, and I don't know the details of the law. I might very well end up in favor of it. But I would say this to the Senator from Massachusetts: If he makes a phone call to the White House, the chances are it will be returned more rapidly than if I do.

I will share with him my experience as a Senator, which I think is not atypical. We spend more time in our offices in Utah dealing with INS problems than any other single issue. More people come in with heartrending stories about their difficulty in dealing with the INS.

I have ridden along with the Salt Lake Police Department. They told me their No. 1 problem has to do with the INS and the way the INS handles undocumented aliens.

In the city of Salt Lake, 80 percent of our drug arrests and 50 percent of our murders are committed by undocumented aliens. They come across the border, go past the border States, and come into Utah where they think they are free from INS supervision because INS is located most heavily in the border States. And they have set up the drug turf wars. They control the drug traffic. They fight to protect their turf. The police tell me that 50 percent of the murders come from that.

Interestingly, once the cocaine is gone—they bring it with them—they will go back for more, and then come back again with another stash. Interestingly, the chief of police told me that for some reason there was a shortage of cocaine south of the border and that month all they had in Salt Lake was heroin. They brought a different drug with them, and they stayed until that shipment was gone. Then they went back and another group came—80 percent of the drug crimes; 50 percent of the murders.

Naturally, I spend time with the INS trying to get their assistance to deal with this. My point is this: If the Senator from Massachusetts is concerned about INS problems, he is not alone. But the problems, it appears to me, lie with the administration of the INS in this administration rather than with the underlying legislation that deals with it.

I was stunned to discover that there are people in my State who have been waiting for a green card so long that their 5-year visa opportunity will expire before they get it. And the answer as to why they are waiting so long has nothing to do with their qualifications but with the backlog that has been built up in the way the INS processes applications for green cards. We are not going to solve that problem by passing a visa piece of legislation that the Senator from Massachusetts wants.

But I think if he made a phone call to the President, if he made a phone call to the Attorney General, and he started with the same fervor and volume and excitement that he demonstrates from time to time on the Senate floor to berate them about the way the INS is administered and managed, those who need intelligent handling by the INS in my State would start to get some relief. I don't think they will get relief with the passage of this legislation. But I think they can get relief if we can get the attention of the INS, and the managers, the bureaucrats, the

political appointees—call them what you will—in the Clinton administration who have been handling this for the last 8 years.

I am one who would vote for increased appropriations for the INS if I were confident the management of that agency were capable of handling it because I recognize the seriousness of the problem. I see day to day, from the people who come into my office, how wrenching it is in terms of their relationship with their families, but this is something the executive branch should get together first and foremost before they come to the legislative branch for the passing of a piece of legislation that makes everybody feel good.

That is the best I can do on this short notice to respond to the issues the Senator from Massachusetts has raised. I enjoy the exchanges that seem to come about now as the Senator from Massachusetts, the Senator from Minnesota, the Senator from Illinois, and others repeatedly come to the floor to raise these issues. I and other Senators on this side will repeatedly come to the floor to respond. I am grateful to the Senator from Massachusetts for giving me the opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, my understanding is at this time the Senate will proceed with the matter before it relating to the Florida Everglades and the bill submitted by the distinguished chairman of the Environment and Public Works Committee; am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The pending business is an amendment submitted by the Senator from Virginia with my principal cosponsor, the Senator from Ohio; is that correct?

The PRESIDING OFFICER. The amendment has not been recorded.

AMENDMENT NO. 4165

(Purpose: To require payment by non-Federal interests of certain operation and maintenance costs)

Mr. WARNER. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, and Mr. VOINOVICH and Mr. INHOFE, proposes an amendment numbered 4165.

The amendment is as follows:

On page 196, strike lines 1 through 7 and insert the following:

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, replacement, and rehabilitation of projects and activities carried out under this section shall be consistent with section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770).

Mr. WARNER. Mr. President, I thank the clerk. I asked the amendment be read because this is a technical amendment. It clearly strikes the provision which, if left, changes the law that the Congress and the executive branch have operated under for 14 consecutive years. It changes it for this project, and it establishes a precedent that every Member of Congress in the future will have to grasp as he or she advocates their next project in their State. I think that is ill advised.

For 14 years, we have had a body of law that has served well regarding the most complicated and very expensive series of programs to take care of needed situations in our country—floods, saving lives, navigation, promoting commerce. We can go on and describe these many projects that each year the Congress considers working with the Corps of Engineers and the executive branch to obtain.

All of a sudden, we are going to quietly, with one short sentence, take off the law books the provision which has established that the States have the responsibility for operation and maintenance when these projects are completed with taxpayer money and some cost-sharing formula by the States. I think that is wrong. I see no justification.

I support this project. I will vote for it. It is a very important part of America. Indeed, it is shared, although in Florida the benefits are shared by all Americans. I point out regarding the Chesapeake Bay, for years I have advocated, with some success, and with the help of many colleagues, the cleanup and the restoration of that great national asset. That has been in progress for a dozen years. Each year, we get a few million dollars to do it, just a few million here and there, to improve this magnificent estuary serving a number of States on the east coast.

All of a sudden, we come along with the romance of the Everglades, and the administration has some idea—and I cannot find any justification clearly in the RECORD—and says do away with 14 years of practice and legislation that has been in effect by the Congress.

I say to every Member voting, be prepared to go back home and explain to your constituents why they must continue to pay the full 100 percent O&M for their projects in the last 14 years, and all of a sudden Florida gets a cost sharing of 50–50. Be prepared to go back home and answer that question. My amendment simply restores, preserves, the law as it has been for 14 years.

Very interestingly, in 1996 I, as I have for 14 years, served on the Environment and Public Works Committee. I happened to be subcommittee chairman when we considered the Florida Everglades and wrote the initial legislation to get this project underway. I am addressing the Water Resources Development Act of 1996, Public Law 104–303, October 12, 1996. I refer to the following, 110 Stat. 3770:

OPERATION AND MAINTENANCE.—The operation and maintenance of projects carried out under this section shall be a non-Federal responsibility.

So Congress, just 4 years ago, reiterated in this Everglades project that it shall be non-Federal for operations and maintenance.

What is the mystery about this project that first induced the administration, then the Environment and Public Works Committee in reporting this bill out—what induced them to change the law which was very succinctly and expressly stated just 4 years ago, a law that had been in effect since 1986?

I will vote for this. It is a good project. However, I succinctly say, let's adhere to the law that has served this Nation well. I guarantee no Member of this body or the other body can bring to the attention of their colleagues the need for something to be done in their State without having this same cost-sharing formula in the years to come.

To do otherwise would be unfair to your constituents. So all I am trying to do is preserve equity and fairness—equity and fairness for what has been done in the past and what shall be done in the future.

By requiring the States under the 1986 law, and as repeated under the 1996 law, to bear the burden of operation and maintenance puts a burden on the States to examine the projects brought forth by the Members of Congress to determine is this worthy, in fact, of the support of the taxpayers of that State for the life of the project. It is a joint decision at that point.

Now with the stroke of a pen in this statute we are requiring the Federal taxpayers to pay 50 percent of the lifetime of this enormous project. This is one big project.

You say, Senator, what do you mean such a big project? Look at the budget. Just look at the budget of the Corps of Engineers for the past few years. It has averaged around $1.4 billion for the whole of America, for the 50 States—$1.4 billion. In this bill alone we are authorizing $1.1 billion for 10 of perhaps 50 to 60 projects of this one restoration of the Everglades.

Let me repeat that: $1.1 billion for Florida, and that is construction costs. The O&M costs for these first 10 is estimated, total for these 10 projects, somewhere between $10 and $40 million a year. And as you look at the next 10 and the next 10 and the next 10 and the next 10, to where you get to the 50 or 60 total projects for the restoration of the Everglades, that O&M figure becomes quite considerable. This project is going to suck the lifeblood out of projects all across America, not only in terms of the construction costs but, if the Congress were to adopt this, 50–50 cost sharing.

Paul Revere called out, ''The British are coming.'' I call out: Folks, this is coming. I forewarn you. This is coming. You better go back home and talk to your constituents and say this one is going to be in competition with what I had planned this year and next year, or next year, for our State. Is the Congress ready to take the Corps of Engineers' budget averaging $1.4 billion and double it and triple it? If you look at

the statistics, this budget of the Corps has been coming down through the years. Today, the Corps has insufficient funds to meet the requirements that existed prior to 1986.

Let me point that out. Prior to 1986, we did have a cost sharing on O&M for projects. It is still the obligation of the Federal Government to live up to the O&M expenses for the project prior to 1986. Yet the Corps is short funds to meet its obligations under law prior to 1986. So I am anxious to hear from our distinguished chairman, a very valued and dear friend of mine of many years.

I see both the distinguished Senators from Florida are going to participate at some point in this debate. I just come back to something very simple. What is it about the mystique and the romance of the Florida Everglades that justifies changing a body of law that has served this Nation well for some 14 years, and that was specifically reiterated and put into law in 1996 when we addressed the first, very first pillars, the foundation for the Everglades project which we address here today?

Mr. President, I would like to return to this subject, but I know my colleague from Ohio, who is joining with me on this, and my distinguished colleague from Oklahoma—both of whom serve on the Environment and Public Works Committee—are desirous of speaking to this issue. For the moment, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise in support of the Warner amendment. In my dissenting view on S. 2797, the ''Restoring the Everglades, An American Legacy Act,'' I outlined my concerns with this legislation. I would like to submit my dissenting view for the RECORD.

While I recognize the Everglades as a national treasure, S. 2797 sets precedents, which I cannot, in good conscience, condone.

I would also like to reiterate my objection to the marriage of the Everglades and WRDA legislation. I know many advocates of this plan argue that the Everglades should be a part of WRDA 2000. However, the Everglades plan is hardly a typical WRDA project. Because of the scale and departure from existing law and policy of the Everglades legislation, it should be considered as a stand alone bill—not a provision in the Water Resources Development Act of 2000. This is a precedent setting bill. With other plans of this nature in the works, the Everglades will be a model for how we handle these enormous ecological restoration projects in the future. We are entering new and, in my opinion, dangerous territory.

No. 1. This legislation violates the committee policy concerning the need for a Chief of the Army Corps of Engineer's report before project authorization. This legislation authorizes 10 projects at a cost of $1.1 billion with no reports of the Chief of Engineers on these projects. Since 1986, it has been the policy of the Committee on Environment and Public Works to require projects to have undergone full and final engineering, economic and environmental review by the Chief of Engineers prior to project approvals by the committee. This process was established to protect taxpayer dollars by ensuring the soundness of all projects. While I understand that, under this legislation, no appropriation can be made until a ''Project Implementation Report'' is submitted by the Corps, this legislation is still breaking committee policy—it is authorizing projects without a Chief's report.

No. 2. Everglades restoration is based on unproven technology. I have serious concerns about the wisdom of a federal investment in unproven technologies—particularly a $7.8 billion investment. The project approval process, described above, was established to prevent exactly what is happening with this legislation—a gamble with the American taxpayers' money.

No. 3. The open-ended nature of costs of this project. The total cost of the Comprehensive Everglades Restoration Plan is estimated at $7.8 billion over 38 years. This is the current estimate. I have serious concerns about this potential for cost over runs associated with this project. GAO agrees with me. In a report—released today—GAO stated, ''Currently, there are too many uncertainties to estimate the number and costs of the Corps projects that will ultimately be needed . . .'' As with almost all federal programs, this project will probably cost much more at the end of the day. For example, in 1967, when the Medicare program was passed by Congress, the program was estimated to cost $3.4 billion. In 2000, the costs of the program are estimated to $232 billion. No one could have foreseen this exponential growth! The future cost of projects of this magnitude must be taken into consideration by Congress before we pass legislation. Once projects like these get major investments, they are funded until the end—no matter what the cost. There should be a cost cap on the entire Everglades project—not just on portions.

No. 4. This legislation sets a new precedent which requires the federal government to pay for a major portion of operations and maintenance costs. The Warner amendment will remedy this problem.

Since 1986, water resource projects, including environmental, navigation, flood control, and hurricane restoration are financed partially by the federal government and partially by the local and state governments. And all of the costs of operations and maintenance of the projects has been the non-federal entities—usually state or local governments responsibility. We should not forget that this critical cost-share policy was a key factor in breaking a 16 year stalemate on water resources development authorization legislation.

This Everglades legislation splits the cost of operations and maintenance of the Everglades—½ to the federal government and ½ to the State of Florida. The O&M expenditures for these prematurely authorized projects is expected to cost $20 million, and, according the Corp, when the Everglades project is completed, O&M costs are projected to be in excess of $170 million a year.

At the end of FY 2000, there will be a $1.6 billion backlog of federal O&M costs nationwide of which $329 million is considered ''critical'' because, if O&M is not performed on these facilities, they will not be able to maintain current performance. In the Tulsa district, which includes Oklahoma, there is a $80 million backlog in O&M. The $170 million needed for O&M of the Everglades—which is almost half of the this year's critical backlog—will drain resources—creating a larger backlog around the rest of the nation. How can we fund local O&M expenses when we can't fund federal O&M expenses.

States and localities have enormous backlogs of operations and maintenance costs due to lack of funding. The precedent, which the Everglades legislation sets, could open a pandora's box—having the Federal Government take on expenses for the operations and maintenance of many projects. There are a number of Oklahoma projects that could use federal funds for operations and maintenance costs. My hometown of Tulsa pays in excess of $3 million a year in O&M costs.

The Everglades legislation is also unfair because the Corps will be conducting annual inspections on all flood control projects turned over to the local sponsors for 100 percent O&M. Though they try very hard, many localities, which cannot afford O&M costs, will not be able to keep their projects properly maintained. When it comes time for more Federal projects, they will not be favorably looked upon. the Federal Government will say, well, if the local sponsor cannot afford the current cost-share agreement, how could they afford a new one—even if the community desperately needs the new project. How can the Federal Government fund Florida's Everglades O&M bill; while other community's projects are denied because they can not afford proper O&M and we will not help them? How is this fair?

Again, I recognize the Everglades as a national treasure—as I do many treasures in Oklahoma. As Congress considers the Everglades restoration legislation, all I ask is that Congress play by the rules.

Mr. President, to reiterate, I commend the Senator from Virginia for bringing to our attention what is happening here. I am concerned. This is a major piece of legislation. As I said yesterday in committee, it would be my preference not to have it as part of the water bill but to have it as a stand-alone bill. Because of the size, the magnitude, and nature of it, it should be. It is true what Senator WARNER has said about how this violates both the letter

and the intent of what we decided in 1986. I remember when it happened. But it is not just in this area. Let me mention briefly three other areas where we are having the same problem.

First of all, this legislation violates the committee policy concerning the need for the Chief of the Army Corps of Engineer's report before project authorization. This was decided back in 1986. To my knowledge—and I had my staff research this—we have not gone forward with any other projects that have not had a recommendation and a report completed by the Chief of the Corps of Engineers.

Mr. WARNER. Mr. President, if the Senator will yield, I checked that out. This is part of the statement I am putting in the RECORD. Clearly, it was not done. That is a second area where it is deviating from the longstanding practice of the Committee on Environment and Public Works.

Mr. INHOFE. I can see what is going to happen after this because every time something comes up they are going to say: Wait a minute, you didn't require it then. They are overworked. So why should we require it now?

We have two right now in the State of Oklahoma, in my State, awaiting those reports.

The second thing is the unproven technology. If you go back to 1986, repeated again in 1996, we said we will only use proven technology when these projects are authorized. Admittedly, during the committee meeting they said—in fact even the chairman of the committee said—we know a lot of this technology is not proven.

The third thing is it is open ended. I want to mention we are talking about $7.8 billion over 38 years. Yesterday, the GAO came out, and after pressing on this, said it could be higher. How much higher? It could be as high as $14 billion. I am old enough to remember—I think there are a couple of us in this Chamber who might remember, too—back in 1967 when we started out on the Medicare program. They said at that time it was going to cost $3.4 billion. I suggest to you this year it is $232 billion. I do not like these open-ended things. They say we are only talking about the first year. Once you start, you are committed.

The last thing, of course, is what this amendment addresses. I believe very strongly that when we open up the O&M accounts, the operation and maintenance costs will be borne by the Federal Government. It is not just going to be that on future projects that come up we will say we don't have to worry about O&M accounts because 50 percent of it can be provided by the Federal Government; there is now a precedent for it. Not only that, I can see right now coming back on existing projects and saying: Look, we are undergoing that as a State expense. Why should we do that when we are not doing it for this particular project?

I think the amendment is very good, but I think the amendment should be broadened to cover these other violations of both the intent and letter of the 1986 law.

Mr. WARNER. Mr. President, before the Senator yields the floor—we served on the Environment Committee for 14 years—I have to bring to the attention of the Senate another project. It is called the Central Artery in Boston. There are those who affectionately refer to it as ''the big ditch'' which our late, highly respected and beloved Speaker of the House, Tip O'Neill, initiated. I went back and checked the record, I say to my friend from Oklahoma. I bear some of the responsibility because I was on this committee at this time.

The first estimate for the big ditch was $1 billion. It is still unfinished. We have expended about $7 or $8 billion and the GAO estimate to finish it is $13.5 billion, underlining the importance of getting that chief engineer's report, which has been the law and the precedent of our committee for these many years. I thank the Senator.

Mr. INHOFE. I thank the Senator. I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to support the Warner-Voinovich-Inhofe amendment regarding operation and maintenance of the Comprehensive Everglades Restoration Plan.

I join my colleagues in rejecting the current language contained in the legislation which unfairly grants the State of Florida a 50-percent non-Federal and 50-percent Federal cost share on the operation and maintenance of the Everglades project. I note this is even more generous than the administration's bill which provided for a 40-percent Federal share.

This amendment is an issue of equity among all of the 50 States, where, to date, operation and maintenance has been a State and local responsibility. I remind my colleagues that the recommendation of the Chief of Engineers was that the operation and maintenance of the Everglades restoration project be 100-percent non-Federal, consistent with WRDA 1986 and national policy, as pointed out by my colleague from Virginia.

The annual operation and maintenance costs for the construction features of the Comprehensive Everglades Restoration Plan currently contained in S. 2796 are $172 million per year.

These operation and maintenance costs would be shared on a 50–50 basis, which means the Federal share of these costs would be almost $90 million. The current operation and maintenance appropriation nationally is about $1.8 billion. This means the Everglades operation and maintenance responsibility of the Corps could represent 5 percent of the total current national appropriation for operation and maintenance.

The stark reality is that the Corps of Engineers is in no position to assume a large additional maintenance burden. By 2001, the Corps will have a backlog of critical maintenance nationwide of $450 million.

Chart 1, which I have before the Senate, shows a breakdown of that backlog by project purposes. As my colleagues will note, 61 percent of the maintenance backlog is in navigation, both inland navigation on our rivers and maintenance dredging of our coastal harbors. The Corps is not meeting its critical needs today for the infrastructure we depend on for our increasingly trade-based economy.

My colleagues should realize these unmet needs are in each of our States, not only in Florida but throughout the United States. Further, my colleagues can also see that maintenance of the flood control projects that are essential in protecting lives and property makes up a significant part of the backlog at 18 percent.

Finally, I want to highlight recreation which is especially important to my colleagues from the West. The Corps is second among Federal agencies in recreation visitation to the land and water resources it manages. Many people associate the Corps with its lake projects, and yet the Corps does not have the resources it needs to meet its maintenance responsibilities at these projects.

This next chart shows the maintenance shortfall by State as a percentage of the maintenance backlog. As one can see, California has the largest, followed by Florida and Louisiana. It is ironic to me that Florida is among the States already most severely impacted by the maintenance backlog whose situation is likely to become much more severe if the Corps takes on a larger portion of the operation and maintenance responsibility for the Everglades. I ask my colleague, Senator GRAHAM, how do you believe the Corps will be able to meet the maintenance needs in Florida, such as dredging its harbors, maintaining its waterways, and operating portions of the central and south Florida project while taking on this additional $90-million-a-year maintenance burden?

This last chart I have before the Senate shows a few examples of maintenance needs that are not being addressed in some of the other 49 States.

The reason I bring these charts to my colleagues' attention is that this maintenance problem is not in a few States; it goes across the United States of America. Every Senator in some way is impacted because we do not have enough money for paying for the operation and maintenance on these projects.

Operation and maintenance activities to accommodate the large influx of recreation visitors to Corps projects along the route of the Lewis and Clark exploration during its bicentennial celebration is underfunded. It deals with the Missouri River basin—the Dakotas, Montana, Iowa, Missouri, Nebraska.

How about the dredging in New York Harbor? That needs to be done.

How about seismic studies on projects throughout the New England States which are not able to be done because we do not have enough money?

How about recreation facilities in Oklahoma or flood protection in North and South Dakota?

The point is, it is not a Florida issue. Adding to a maintenance burden that the Corps already cannot meet will impact all of us who have Corps-managed resources in our States.

This is a matter of equity. The Senator from Virginia has spoken to that eloquently. We had it right in WRDA 1986. The operation and maintenance responsibility for new Corps of Engineers investments must rest with the non-Federal sponsors. We cannot afford at this time to deviate from principle.

This is my first term in the Senate, but I have been here long enough to know that if we begin to make exceptions, there will be no end to it. We must stick to our principles, and that is why I am asking my colleagues to support this amendment.

Mr. WARNER. Will the Senator yield for a moment? I want to clarify, the charts of the Senator from Ohio are pre-1986 projects done by the Corps.

Mr. VOINOVICH. Yes.

Mr. WARNER. That is the point. In other words, all of that magnitude of money, which was a $451 million shortfall last fiscal year, is for projects done prior to 1986. Since 1986, the States have paid for it and that is existing law. If you fail to maintain a project, a dam or a waterway, what happens? It deteriorates. The cement crumbles, the silt fills in, and it begins to degrade and begins to impact the safety of the citizens who rely on those projects for protection or navigation.

This is a very serious program my distinguished colleague brings to the attention of the Senate, and I am so glad that the Senator clearly reiterated my message: It is not a Florida situation; it is all 50 States.

When my colleagues vote, bear in mind how that vote affects this year and for years to come your State projects.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I yield such time as he may consume to the distinguished Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair. Mr. President, I thank my colleague and chairman of Senate Committee on Environment and Public Works, who has given outstanding leadership to this entire legislation, the Water Resources Development Act of 2000, and has been a particularly thoughtful student of the Everglades restoration.

I rise in strong opposition to the amendment proposed by my colleague from Virginia. To put what we are about in some context, we are talking about a unique partnership between a State and the Federal Government for the protection of one of the world's treasures. The Florida Everglades has been designated by the United Nations as a world heritage site, one of the few places on the planet that has been designated such because of its unique features, features that have a global importance.

Everglades National Park, which is just a small portion of the overall Everglades system, is the second largest national park in the continental United States. This restoration program will be the most significant and the most expensive environmental restoration project ever attempted anywhere in the world.

This is going to be a world laboratory for how we will restore damaged environmental systems, both within the United States and elsewhere on the globe.

This has been a bipartisan effort. It has been an effort that has now been underway for the better part of three decades —bipartisan in the sense that it has been supported by Republican Presidents and Governors, Congresses, and State legislatures; and Democratic Presidents, Governors, Congresses, and State legislatures.

It is a proposal that is much in the nature of a marriage. It is a relationship in which both partners must respect each other, pledge to work through their challenges together, and, thus, build a strong and sustaining relationship.

The legislation before us today offers a balance between the partners of that marriage. It requires the State to pay 50 percent of the construction cost of this project. It requires the State to pay 50 percent of the $7.8 billion, which is the estimated cost of construction of this project over the next 30 to 40 years.

It requires the Federal Government to pay 50 percent of the operation and maintenance costs of the project as it is completed.

Cost sharing for operation and maintenance represents a responsible action by the Federal Government to protect the Federal taxpayers' investment in the restoration of the Everglades.

Why is this a responsible action? It is a responsible action and is also a recognition of a reality which differentiates this project from other Federal public works projects; that the major beneficiary of this project is the natural system, and the natural system is owned in large part by the Federal Government.

To repeat, the principal beneficiary of this project will be enormous Federal land tracts in the affected area. Thus, the Federal Government has an ongoing interest; and we suggest, as does the committee of jurisdiction, the administration, and the State of Florida, that that large Federal investment and responsibility warrants an ongoing Federal-State shared role in the operation and maintenance of the project once it is completed.

Some of the projects that are in this plan, such as the wastewater reuse projects, which have some of the highest estimated cost of operation and maintenance, are included primarily for the benefit of Biscayne National Park, Florida Bay, a significant part of Everglades National Park, and the National Marine Sanctuary. The perspective that I share is not mine alone or not parochially Florida's alone.

Mr. President, I ask unanimous consent that two letters on this topic be printed in the RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. GRAHAM. The first letter is signed by a broad coalition of national environmental groups, including the National Audubon Society, the National Parks Conservation Association, the Natural Resources Defense Council, the Sierra Club, the World Wildlife Fund, as well as environmental groups within Florida.

This letter states:

> In addition, approval of the [Warner] amendment would . . . severely jeopardize the likelihood of enacting Everglades Restoration legislation this year. . . .

The second letter is from a broad coalition of agricultural and industrial representatives. It states:

> The Comprehensive Everglades Restoration Plan is primarily a plan to restore and protect Federal properties.

It also states:

> The coalition of Florida agriculture, water utilities, and homebuilders is convinced that without Federal participation in the costs of operation, maintenance, repair, replacement, and rehabilitation activities associated with the Comprehensive Everglades Restoration Plan, Everglades restoration will never be implemented.

My colleague, Senator MACK, will soon be inserting into the RECORD a letter from Florida's Governor, Jeb Bush, which will state, in part:

> Not only is this partnership formula fiscally and politically prudent, it is also critical to maintaining the diverse and broad-based support that the bill before you has earned.

Mr. President, you and others in this body may ask why there is near unanimous agreement that operation and maintenance costs must be a shared cost of this project. What is it that differentiates this project from other public works projects?

Let me suggest the following. First, to quote from the bill itself:

> The overarching objective of the Comprehensive Everglades Restoration Plan is the restoration, preservation, and protection of the South Florida ecosystem while providing for other water-related needs of the region.

Let me read a portion of that again:

> The overarching objective of the Comprehensive Everglades Restoration Plan is the restoration, preservation, and protection of the South Florida ecosystem. . . .

What is that system that we are about to protect and preserve? It is essentially a Federal system.

First, it is an enormous marine sanctuary that runs from the lower part of the Florida peninsula to some 150 miles to the Dry Tortugas, an area with the only living corral reef area in the continental United States.

It is also four units of the National Park System: The Everglades National Park, which I indicated earlier is the second largest national park in the continental United States; Biscayne National Park; the Dry Tortugas National Park; and the Big Cypress Natural Preserve. Those great Federal ownership areas are going to be primary beneficiaries of the restoration of the Everglades; finally, 16 national wildlife refuges in the area that will be affected by the Everglades restoration, from those at the upper edges of the Everglades system to those throughout the Florida Keys.

Once constructed, this project will be operating, in large part, for the benefit of the natural system, which is in Federal ownership.

As the primary beneficiary of this project, the Federal Government should have a continued interest and financial role in seeing that its goals are achieved through appropriate implementation.

Once the Federal Government is a full and equal partner in the cost of operating this project, it will also be able to assure that the project continues to be operated for the benefit of the natural system in Federal ownership.

Without this participation in operation and maintenance, the Federal Government would be, in effect, abdicating its responsibility to the American taxpayers to protect the investment which they are going to make in restoration of the Everglades, which they have already made in the acquisition of these enormous Federal interests.

Another important fact, in reviewing Senator WARNER's proposal, is the cost-sharing for the Everglades restoration project. I did not hear this very significant fact mentioned by any of the three previous speakers.

The traditional Federal public works project is financed 65 percent by the Federal Government, 35 percent by the local sponsor, whoever that might be.

There are several and significant environmental and ecosystem restoration projects which contain that very cost sharing in the bill that we have before us, the Water Resources Development Act of 2000.

I draw your attention to page 118, line 7: A project for environmental restoration at Upper Newport Bay Harbor in California; 65-percent Federal, 35-percent local sponsor.

On page 121, line 23, there is a project for ecosystem restoration at Wolf River in Memphis, TN; 65-percent Federal, 35-percent local sponsor.

On page 122, line 3, there is a project for environmental restoration at Jackson Hole, WY, 65-percent Federal, 35-percent local sponsor.

I point out these examples in this very bill that is before us today, not because they are unusual but because in fact they are the norm. Sixty-five percent is the normal share that the Federal Government pays for a project in the Water Resources Development Act.

But for this project, one of the largest projects of its type in our Nation's history, the State of Florida is paying 50 percent—not 35 percent, but 50 percent—of the cost of construction.

To my knowledge—and I ask the proponents of this amendment if they have information to the contrary—I know of no other local sponsor for an environmental restoration project who is paying 50 percent of the cost of the project.

Mr. WARNER. Mr. President, if the Senator would yield, I would be happy to reply.

Mr. GRAHAM. I am glad to yield.

Mr. WARNER. Mr. President, my amendment goes to the operation and maintenance, which from 1986 on was 100-percent State responsibility. That is the amendment. The Senator, of course, quite properly is addressing, by way of background, the construction. And there are various formulas for cost sharing on construction. But he points out that they are paying 50 percent versus the 35 percent on the construction allocation of the State. But in fairness, the reason they are paying the higher is that there are some other than environmental projects here. This whole thing goes from Orlando to the tip of Florida. This is enormous. This is over half the State's length; is that correct?

Mr. GRAHAM. That happens to be the size of the Everglades system. This project encompasses the Everglades system, an integrated environmental system, the totality of which creates the environments that sustain all of these great Federal investments.

Mr. WARNER. I am trying to draw some parallel for the average Member of Congress who deals with a dam or a waterway which is in a small portion, relatively speaking, of his or her State. This covers over half the State; isn't that correct?

Mr. GRAHAM. No.

Mr. WARNER. All right. What percentage, from Orlando to the tip?

Mr. GRAHAM. From Orlando to the tip of Florida would be approximately 35 to 40 percent.

Mr. WARNER. Thirty-five to forty. I was off 10 percent. I say to my good friend, the reason you go to 50 percent and not 35 is you are covering non-Federal and part of municipal water supplies. There are a whole lot of municipal water supplies that are benefited.

Mr. GRAHAM. Mr. President, I would appreciate the opportunity to complete my remarks, and then I would like to respond specifically to the statement relative to the nature of the projects, the Federal purposes that they will play, and the appropriateness of the overall arrangement of a 50-percent State share in construction and then a 50-percent Federal share in operation and maintenance.

Mr. WARNER. Certainly, I did not wish to invade. But the Senator invited questions: Does any other Senator know of projects other than 35 percent? I am pointing out, yes, because he is including a lot of municipal water supply, treatment plants for runoff water, and a lot of other things that most States pay for back home.

I thank the Senator.

Mr. GRAHAM. I will return to discuss the specific issue of municipal water. Let me complete the arithmetic of the analysis I was doing.

On an annual basis, the difference between the State of Florida contributing 50 percent as opposed to the norm of 35 percent is approximately a $35-million-a-year savings during the construction period of this project, some 30 to 40 years, for the Federal Government. If the Federal Government were to take that $35-million-a-year savings and invest it, even at a conservative rate of interest of 5 percent, over the period of this project, that would produce a total of approximately $1.8 billion. That is the savings plus the interest earned on those savings to the Federal Government. That $1.8 billion would pay the cost of operation and maintenance of this project to approximately the year 2050.

We are, for the first half century of the 21st century, going to be saving the Federal Government an enormous amount of money by the State paying at the rate of 50 percent rather than 35 percent, and those funds will go substantially towards meeting these ongoing operation and maintenance costs that the Federal Government will share on a 50–50 basis.

The amendment Senator WARNER has offered fails to recognize any of these distinct characteristics, the nature of the Federal interest to be protected, the continuing interest of the Federal Government in how its capital investment is implemented, and, finally, the fact that because of a much more generous and forthcoming State share of the construction cost, the Federal Government is saved substantial funds.

The Senator from Virginia raised the question that there are other projects. He specifically talked about wastewater projects. There are no wastewater projects in here. There are wastewater reuse projects which are one of the areas being done precisely to protect Federal interests. They are not wastewater systems that are going to be serving a local municipality. They are wastewater systems to purify the water before it goes into the Biscayne Bay National Park and before it goes into the Florida Bay component of the Everglades National Park or before it goes into the National Marine Sanctuary in the Florida Keys.

This is not a wastewater treatment system that a municipality would have. These are systems to protect the quality of water in order to protect the quality of the Federal investment. As I said earlier, these are some of the most expensive of the operation and maintenance costs this project will generate.

The amendment fails to reflect the fact that this is a marriage, a marriage between the State and Federal Government, and that that marriage is necessary to assure the plan's success, a true union where each partner respects the other and makes a commitment as equals. Everglades restoration won't work unless the executive branch, Congress, and the State government move forward hand in hand.

We are about to make one of the most important decisions that this Congress will make. Obviously, it is a project that has enormous personal interest to me because of my personal long association with the Everglades and my deep appreciation of the qualities it represents. But this will be an opportunity for the Congress to commit itself to one of the great ventures in terms of environmental restoration and protection in our Nation's history. It is a project that I suggest Members of Congress will look back upon later in their lives and careers with pride that they were part of this effort.

It is a project in which we are asking that there be a long-term commitment with the State of Florida. On the concerns that were expressed about the possibility that additional changes might be called for, or additional costs incurred, I underscore, every one of those costs is going to be shared on a 50–50 basis. So we have a partner in this project who is going to be just as concerned about achieving the result and doing so in the most cost-effective way as we share those concerns.

So this is legislation which is truly historic. It is legislation which will lead us down the path toward Everglades restoration—a goal which our Nation has shared for many decades, a goal in which we can play an important role today in seeing that it becomes reality.

Thank you, Mr. President.

EXHIBIT NO. 1

1000 FRIENDS OF FLORIDA, AUDUBON OF FLORIDA, CENTER FOR MARINE CONSERVATION, THE EVERGLADES FOUNDATION, THE EVERGLADES TRUST, NATIONAL AUDUBON SOCIETY, NATIONAL PARKS CONSERVATION ASSOCIATION, NATURAL RESOURCE DEFENSE COUNCIL, SIERRA CLUB, WORLD WILDLIFE FUND,

September 19, 2000.

Hon. BOB SMITH,
Chairman, Senate Environment and Public Works Committee, Dirksen Senate Office Building, Washington, DC.

Hon. MAX BAUCUS,
Ranking Member, Senate Environment and Public Works Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SMITH AND SENATOR BAUCUS: We are writing to express our opposition to the Voinovich amendment to H.R. 2796, the Water Resources Development Act of 2000, that would eliminate the state-federal operations and maintenance (O&M) cost share for the Comprehensive Everglades Restoration Plan (CERP).

S. 2796 presently provides a 50-50 cost share between the State and Federal government. The Voinovich amendment would make the State of Florida pay the entire cost. The Voinovich amendment ignores the fact that this is no ordinary water project because the taxpayer is a primary beneficiary of the project.

Within the project area there is a unique and compelling federal interest that justifies a 50-50 state/federal cost share for operations and maintenance. The project area includes four National Parks, 16 National Wildlife Refuges, and one National Marine Sanctuary that comprise five million acres of federally owned and managed lands—50% of the remaining Everglades.

In addition, approval of the Voinovich amendment would likely yield two results; both of which would severely jeopardize the likelihood of enacting Everglades Restoration legislation this year: First, the State could withdraw its support for the bill leaving this a project without a non-federal sponsor. Or, the State could seek new modifications to reflect the diminished federal commitment to restoration of America's Everglades, a move that would send the Everglades back to the drawing board with no time left on the clock.

Therefore, we respectfully request that you vote against the Voinovich Everglades cost share amendment to S. 2796.

Thank you for your consideration of our views.

Sincerely,

Nathaniel Reed, Chairman, 1000 Friends of Florida.

David Guggenheim, Vice President for Conservation Policy, Center for Marine Conservation.

Tom Rumberger, Chairman, The Everglades Trust.

Mary Munson, Director, South Florida Programs, National Parks Conservation Association.

Frank Jackalone, Senior Field Representative, Sierra Club.

Stuart Strahl, Ph.D., Executive Director, Audubon of Florida.

Mary Barley, Chair, The Everglades Foundation.

Tom Adams, Director of Government Affairs, National Audubon Society.

Bradford H. Sewell, Senior Project Attorney, Natural Resources Defense Council.

Shannon Estenoz, Director, South Florida/Everglades program, World Wildlife Fund.

DAWSON ASSOCIATES INCORPORATED,

Washington, DC, September 19, 2000.

Senator BOB SMITH,
Chairman, Committee on Environment and Public Works, Dirksen Senate Office Bldg., Washington, DC.

DEAR CHAIRMAN SMITH: The coalition of Florida agriculture, water utilities, and homebuilders is convinced that without Federal participation in the costs of operation, maintenance, repair, replacement, and rehabilitation activities associated with the Comprehensive Everglades Restoration Plan (CERP), Everglades restoration will never be implemented. Governor Bush's Commission for the Everglades has taken the position that if the Federal government is to be a full and equal partner in restoration, it should share in all of the associated costs. Furthermore, it is certain that the Florida Legislature will not supply the level of funding needed to construct this plan if they are going to have to pay the full cost of operation over the life of the project.

The CERP is primarily a plan to restore and protect Federal properties, and the development of the plan has been dominated by the federal agencies, especially the Department of Interior. The restoration of a unique ecological system of world significance dramatically and fundamentally distinguishes the purposes of the Comprehensive Plan from those of other Army Civil Works projects.

Furthermore, the Army Corps of Engineers indicated to stakeholders throughout the planning process that it would seek cost sharing for all modifications over their life cycle. This commitment eliminated the biases in project decision-making that result when all costs are not treated in the same way. Affirming this commitment in the authorization will ensure that project design decisions will continue to be based on cost-effectiveness alone.

Sincerely,

ROBERT K. DAWSON,
President.

COALITION MEMBERS

Florida Citrus Mutual (Mr. Ken Keck, Director for Government Affairs).

Florida Farm Bureau (Mr. Carl B. Loop, Jr., President).

Florida Home Builders Association (Mr. Keith Hetrick, General Counsel).

The American Water Works Association, Florida Section Utility Council (Mr. Fred Rapach, Chairman).

Florida Chamber (Mr. Chuck Littlejohn, Government Affairs).

Florida Fruit and Vegetable Association (Mr. Mike Stuart, President).

Southeast Florida Utility Council (Mr. Vernon Hargrave, Chairman).

Gulf Citrus Growers Association (Mr. Ron Hamel, Executive VP).

Florida Sugar Cane League (Mr. Phil Parsons, Environmental Counsel).

The Florida Water Environment Association Utility Council (Mr. Fred Rapach, Chairman).

Sugar Cane Growers Cooperative of Florida (Mr. George Wedgworth, President).

Florida Fertilizer and Agri-chemical Association (Ms. Mary Hartney, President).

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I yield such time as he may consume to the Senator from Florida, Mr. MACK. And I thank him for his help and cooperation on this legislation.

The PRESIDING OFFICER. The Senator from Florida, Mr. MACK, is recognized.

Mr. MACK. Mr. President, I want to say to my dear friend, the Senator from Virginia, I thoroughly enjoyed listening to his presentation. And I say this with all good humor. It was a great performance. It reminded me a little of Chicken Little in ''The Sky is Falling'' when I listened to equating $86 million in operating expenses to a $1.4 billion budget. The $86 million will be the cost of operating and maintaining this new system 25 or 30 years from now. I think it might be appropriate to try to figure out what the Corps' budget might be 25 or 30 years from now. I think that would bring a more significant understanding of the impact of the operating and maintenance costs to the Federal Government.

The second point I will make is that we are already spending more than that now on the Everglades. I suggest that on this project we are proposing today—and I believe strongly that it will pass—we will probably seek a reduction in the long run as a part of the Corps' budget. But, again, I appreciate the fervor with which my colleague presented his argument.

Mr. WARNER. I thank my colleague for his courtesy. We will have more to say.

Mr. MACK. I am sure we will.

Mr. President, I am in strong opposition to the amendment offered by my friend from Virginia. This amendment, if passed, will put an end to the unprecedented partnership developed between the Federal Government and the State of Florida in an effort to restore and protect America's Everglades. While I am sure my colleague from Virginia has the best of intentions in offering his amendment, I caution my colleagues that one-size-fits-all solutions can be extremely harmful to something as sensitive and as difficult as Everglades restoration.

It may be useful to take a few minutes today to help highlight the Everglades provision in the water resources bill before us and explain how the amendment of the Senator from Virginia will impact our longstanding efforts to restore and protect this unique ecosystem.

Let me begin by stating that the legislation before us today is a consensus product supported by a full spectrum of environmental groups and economic stakeholders. It is supported by Florida's two Indian tribes, Gov. Jeb Bush of the State of Florida, and it is supported by the Clinton administration.

Nine months ago, my colleague from Florida, Senator GRAHAM, and I set out to write a balanced Everglades bill that addressed the needs of south Florida's environment and its citizens. This was no small task. We asked individuals and groups who have long been divided to set aside their differences and work together with us. We asked them to help us restore this vibrant, natural system to its former glory. With the steady leadership of Chairman BOB SMITH and Senator BAUCUS, we have accomplished our goal. The bill we bring to the floor today is something of which all Americans, and I believe all Senators, can be proud.

In the bill we are considering today, we authorize a comprehensive plan to undo the harm done by 50 years of Federal efforts to control flooding in south Florida, without consideration for damage done to south Florida's environment. This comprehensive plan was developed over the past 8 years by the Corps of Engineers, with input from economic and environmental stakeholders, local governments, scientists, restoration engineers, the people of south Florida, and the Congress. It is recognized throughout south Florida and the Nation as a fair and balanced plan to provide for the water-related needs of the region while, for the first time, ensuring that the needs of the Everglades will be met as well.

It is terribly important that we do this. Without this plan, the Everglades will die and water, the lifeblood of south Florida's economy, will continue to be siphoned off into the sea without benefiting the environment or the people who live and work in the region.

Let me take a moment to share with you some of the principles Senator GRAHAM and I have used to guide our efforts this year in drafting this bill. We wanted to be sensitive to the legitimate concerns and needs of all citizens and interests who have a stake in how the plan is implemented, we wanted to be true to the restoration mandate and ensure that the Everglades got the first benefit of any new water generated by the plan, and we wanted to affirm and establish in law the true partnership we share with the State of Florida in achieving the plan's restoration goal.

The cooperation between the State agencies charged with managing this effort and the Federal Government over the years has been truly unprecedented. The State shared the cost of developing the plan we are considering today. The Corps of Engineers has benefited greatly from the engineering talent at the South Florida Water Management District. Florida has been our full partner in bearing half of the cost of the restoration projects already underway in the Everglades. The State has committed to split evenly the cost of implementing the plan once it is authorized. The reason for this partnership is simple. Both the State and Federal Government have a vital interest in the restoration of the Everglades. Both the State and the Federal Government should pay for the cost of operating and maintaining the restoration project once it is built.

I say this to provide background for the debate on the amendment before us. This partnership we have established is vital to our efforts, and if this amendment passes, it will be very difficult to accomplish our restoration goals.

I have a letter from Gov. Jeb Bush expressing his opposition to the amendment of the Senator from Virginia. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. MACK. Mr. President, a key part of this partnership has been the commitment by the State of Florida—already enshrined in a bill approved by Governor Bush earlier this year—to pay fully half the $7.8 billion cost of implementing the Everglades restoration plan. This is a significantly greater cost share than the local sponsor typically pays to construct a Corps project.

Many Corps projects have a local cost share of as little as 20 percent of the total project and few pay more than 35 percent. In fact, if the State were paying 35 percent, rather than the 50 percent it has committed to, it would increase the burden of the Federal taxpayer by almost $1.2 billion. Let me repeat that. The State has committed to a greater-than-average cost share for constructing the restoration project and will save the Federal taxpayers almost $1.2 billion.

I believe the good faith demonstrated by the State's offer—not to mention the resulting savings of the Federal Government—clearly refutes any argument that the State is somehow unduly benefiting from the operation and maintenance cost share proposed in the bill before us today.

While I cannot stress enough the damage this amendment will do to our relationship with the State of Florida, I remind my colleagues about the significant Federal investment we are making in the Everglades and the important Federal interest in ensuring this project is operated and maintained properly.

Within the boundaries of the proposed restoration area, there are four national parks, including Everglades National Park, one of the crown jewels of our National Park System. There is a national marine sanctuary and many other national interests. All of these important environmental assets are dependent upon the successful operation of the restoration plan.

If the project is not operated properly—if the water is not right—these important Federal holdings in south Florida will continue to suffer the same fate they are suffering today. If we and the State of Florida are to come together behind a restoration plan and spend $7.8 billion to implement that plan, it seems we also have the responsibility and obligation to stay in Florida and help with the successful operation and maintenance of the project. That is a reasonable position.

I add that the operation and maintenance cost share in this bill is fully consistent with prior central and southern Florida project authorizations. In fact, the Federal Government pays the full cost of operating and maintaining the levees, channels, locks, and control works of the St. Lucie Canal, Lake Okeechobee, and the Caloosahatchee River. The Federal Government pays the full cost—not 50–50, but the full cost—of operating the levees, channels, locks, and control works of the St. Lucie Canal, Lake Okeechobee, and the Caloosahatchee River. All of these areas that I have mentioned are in this restoration area. It pays the full cost of operating and maintaining the main spillways in the system's water conservation area.

Further, the Flood Control Act of 1968 provided that the project costs of providing water delivery to Everglades National Park is considered a federal responsibility and on that basis the federal government would share in the operation and maintenance of projects that serve that area of the system. The federal government is also required, under a 1989 law, to participate in the cost share for the modified water deliveries project. And, finally, the water resources bill of 1996 provides that the cost of operating and maintaining water deliveries to Taylor Slough and Everglades National Park be shared between the State and federal governments.

That is my argument to this constant mention of the fact that for 14 years we have had this precedent.

I have just stated the whole series of issues related to the Everglades in which there is a whole range of the sharing of costs and maintaining the Everglades system.

There appears to be ample precedent for a shared cost between the State and federal governments on projects related to the Everglades and Everglades restoration.

What the Senator from Virginia is advocating is something far different. He would have the federal government pack up and leave when the restoration project is completed—essentially abandoning precedent and abandoning a national treasure after an unprecedented effort to save it. His amendment would have the federal government abdicate its responsibility, to both the environment and the taxpayer, to protect the substantial investment we're making on their behalf in the Everglades.

I would remind my colleagues, the Everglades is a dynamic system. It is dependent on the steady, reliable supply of fresh water this restoration project will provide over the years.

It is not like a levee, or a bridge, which the federal government can construct and turn over to the local authorities. This is an enormously complex restoration project managing the water flow over and through 18,000 square miles of subtropical uplands, wetlands and coral reefs. The area covered by this project spans from Lake Okeechobee to Key West; from Fort Myers on the gulf to Fort Pierce on the Atlantic.

This is not an investment we can afford to abandon, Mr. President. The investment is too great and the stakes are too high. I would urge my colleagues to defeat the amendment.

EXHIBIT 1

GOVERNOR OF THE STATE OF FLORIDA,
September 19, 2000.

Hon. CONNIE MACK,
U.S. Senate,
Washington, DC.

DEAR SENATOR MACK: Florida awaits with much anticipation Congress' authorization of the plan to restore America's Everglades. Our optimism is derived in large measure from the demonstrated leadership in the Senate, particularly your efforts and those of Senator Smith and Senator Trent Lott and his leadership team. We are also hopeful that, with time running out, the White House will hold together the bipartisan nature of this effort by encouraging minority members to keep focused on the historic nature of the opportunity before them.

Clearly, with just a few legislative days remaining, a key to success will be limiting efforts to revisit some of the fundamental agreements that have now carried us so far. Among these agreements is the unprecedented equal cost sharing arrangement between the federal government and our state.

This true and equal partnership creates all of the right incentives for making wise, cost-effective decisions as the project proceeds through construction, operation and maintenance. An equal and shared interest between the state and federal governments ensures that cost control remains a shared goal, and that design and construction decisions are made based on what will provide the greatest long-term efficiencies. No party will benefit from attempting to shift costs forwards or backward for short-term advantage. Everybody, most importantly the taxpayers, wins if there is mutual benefit in controlling overall costs for the life of the project.

The current 50-50 cost sharing formula for construction, operation and maintenance of the Comprehensive Everglades Restoration Plan is far superior to the conventional funding formulas used for more typical Water Resources Development Act projects. Florida, by paying half of the project construction costs, will save the federal treasury nearly $2 billion. This up front savings to the federal government is equivalent to more than 20 years of the projected operation and maintenance costs.

Beyond the sound fiscal arguments for an equal partnership, there are also important practical and management benefits.

All of the diverse interests that have rallied around the bill that is now before the Congress recognize the delicate political balance that has been struck regarding the management and allocation of water resources in the South Florida ecosystem after the construction project is complete. Clearly the maintenance of this balance is best protected if there are equal commitments from the state and the federal government for the ongoing operation and maintenance of the project.

I respectfully urge you to remain alert to the importance of this full and equal partnership between the state and federal governments. Not only is this partnership formula fiscally and politically prudent, it is also critical to maintaining the diverse and broad-based support that the bill before you has earned. Please let me know if you believe that this agreement is ever in jeopardy in the critical days ahead as this Congress prepares to make environmental history.

Sincerely,

JEB BUSH.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, will the Senator yield for a question?

I was much taken by my colleague's comment that this is a matter between the Federal Government and the State. Indeed, it is a marriage that every Governor would dream about, and the wedding presents being given are astronomical. Look at the whole project. It is dotted with wastewater projects to clean up the water that comes from the communities before it goes to these estuaries. I can understand that. I can understand that, I say to my other colleague from Florida. But how does that differ from the Chesapeake Bay which has been struggling over a 10-year period to clean up the wastewater from their surrounding communities which goes into the Chesapeake Bay and which affects the striped bass, crabs, and everything else? Who pays for that? The local communities do.

The wastewater comes from the various adjacent communities, and why shouldn't this cleanup project be paid for by the local communities rather than this massive public project?

I have looked at towns all over Virginia that are struggling to meet the wastewater requirements and paying their local taxes to clean it up before it is distributed into the streams and rivers and lakes in my State. I say there is no difference between my streams and my lakes in the Chesapeake Bay and the magnificence of the Florida Everglades. Yet the Senator is asking the Federal taxpayer to pay for it and changing a law which has served this Nation for some 14 years.

That is why you do not have the 35-percent construction cost formula but 50 percent, because of the many projects which are not related to the magnificence of the flora, fauna, birds, alligators, snakes, and so forth, which indeed are very important. They are very important and essential to these projects.

Fine, clean up the water, but do it like every other municipality. Have the States pay for it with the local taxes before it is distributed back into the various components of the Florida Everglades.

If there are any Senators who wish to reply during the course of the debate, I would be glad to yield.

There is an abundance of wedding presents coming with this marriage, I say to my good friend from Florida.

Mr. GRAHAM. Mr. President, I repeat what I said before. The purpose of these water reuse facilities, as I indicated earlier, and the nature of these reuse facilities is one of the areas on which we are going to be doing some preliminary experimentation and demonstration before committing to what the ultimate formula will be.

The purpose of these is to take water which has been polluted in large part because of the Federal projects that have been in place since it was authorized in 1948 and to clean that water to a point that it will no longer serve to damage the important Federal investment.

As an example, in the middle of the Everglades there will be a variety of what are called stormwater treatment areas constructed. These are not mechanical, but biological methods of cleaning the water that comes off the middle part of the Everglades so that when it gets down into the area of Everglades National Park, it will meet the standards that will avoid the water-causing adverse effects in the park.

At the present time, the injection of inappropriate water quality into Everglades National Park has contributed substantially to a dramatic fall in the natural wildlife, fisheries, and fauna of Everglades National Park, and it has contributed to the development of extensive exotic, nonnatural plants in the area.

The purpose of these water reuse and treatment areas—most of which are not the kind of sewage treatment plants we think about with concrete in place where water comes and is mechanically treated and then discharged—is to deal with natural water flow systems—not from municipal areas; they are largely going to be biological and not mechanical. And the purpose of all of this is to achieve a level of water quality, the principal beneficiary of which will be these Federal landowners.

Mr. WARNER. Mr. President, if I may respond to my friend, I accept

what he is saying. It is just a question of who is going to pay for it.

Take, for example, the cleanup of the Chesapeake Bay, which begins way up in Delaware, reaches Baltimore, MD, reaches Washington, DC, and reaches Norfolk, VA. All of the water runoff from those municipalities the local people accept the cost of because it goes into the Chesapeake Bay, which is, as any number of projects, a Federal investment. The Federal taxpayer has put money into cleaning up the Bay.

What is the distinction between the water runoff from municipalities into the local streams or the Chesapeake Bay, which is just as important to the people of those communities as are the everglades to the people of Florida?

Mr. GRAHAM. The source of pollution is largely from a previously authorized Federal project; two, the nature of the cleanup in Florida is not of the type that surrounds the Chesapeake Bay.

The PRESIDING OFFICER. If the Senator will suspend, the time is under the control of the Senator from Virginia and the Senator from New Hampshire. At the present time, the Senator from Virginia has the time.

Mr. WARNER. Thank you. I wish to share the time. I will accept the time of my questioning to be charged to the time of the Senator from Virginia, and, of course, the reply would be charged to the chairman's time.

Mr. VOINOVICH. Mr. President, will the Senator yield?

Mr. WARNER. I make my point, Mr. President. I see no distinction. Water is water. Cleanup is cleanup. The question is, Who is going to pay for it? The question is, Who will pay for it?

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire has time and the Senator from Virginia has time.

Mr. WARNER. I yield such time as the Senator from Ohio desires, but our colleague from Florida also seeks recognition.

Mr. MACK. I wanted to respond to the question.

Mr. WARNER. Mr. President, the Senator from Florida wishes to respond to a point I made. I suggest to the Chair we recognize our colleague from Florida. Of course, his time is under the control of the chairman of the committee.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I yield such time as the Senator from Florida may consume to respond to the Senator from Virginia.

Mr. MACK. This will be a brief response. I apologize to my colleagues for trying to hop in here, but the Senator raised a question I thought should be responded to: What makes us different?

In the State of Florida, in 1994, we passed the Everglades Forever Act which provides for local payment of water cleanup costs. The Federal Government's share in the cost of cleaning up the water that directly benefits Federal areas such as the Everglades National Park—the fact is that the local communities are paying for the cleanup of the waters that the Senator has suggested.

The second point I make, I think there is something unique about what we have come up with. The Senator says the uniqueness is the 50–50 cost sharing. The uniqueness that I see—and I don't think there is a Member who has traveled to the State of Florida and become involved and knowledgeable about the Everglades Project, who is not amazed by the partnerships that have been developed—is the various interests in our State that have come together and who have said not only do they support but they are willing to put money into it.

As the Senator knows, the State of Florida, during this past legislative session, in fact, put up I believe almost $200 million towards this project.

Again, to answer the question directly, the cities are, in fact, paying. The State of Florida anticipated that question in 1994 and passed the act that I referred to a few moments ago.

I thank the Senator for yielding.

Mr. WARNER. I want to reply to my colleague.

We love our States equally. I say to the Senator, the Chesapeake Bay is just as dear to our people as are the Everglades to Floridians. The Chesapeake Bay is a national asset—maybe not of the proportions but certainly of equal significance to the Everglades. All of this has been done through the years at a minute fraction of the cost to clean up the bay. Striped bass and crabs are returning and are beginning to live and prosper. We are making some progress. Again, there has been a clear cost sharing by the local communities, which I do not find in this bill.

My question to the Senator is, Why did the Congress of the United States in 1996, just 4 years ago almost to the day, October 12, pass a law saying ''operation and maintenance expenses of projects carried out under this section shall be a non-Federal responsibility''?

That was 1996, 4 years ago. Why is this now being changed?

Mr. MACK. I believe, if I can respond, and perhaps I can find the language, if you read further on in the act, you will find some language that has to do with some cost sharing of the area that the Senator is referring to as identifying certain aspects of the bill, but there are other references in there about following precedent with respect to cost sharing. There is, as I read in my statement, a whole series of things in which there is even 100-percent participation at the Federal level for operation and maintenance.

Mr. WARNER. I will pass this document to my good friend and we should address that together before the vote.

My amendment simply says, leave in place the 1986 and the 1996 laws. That is all.

I yield time to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. I make it clear I am a supporter of this Florida restoration plan.

Second, I point out there is this representation that we have all of these Federal resources in Florida that are going to benefit from this bill. And the answer to that, yes, they are. On the other hand, as a former Governor of Ohio, the Everglades are not only a tremendous resource for the United States, but they are also a tremendous resource for the State of Florida because they bring tremendous numbers of people to Florida from which the State benefits. We don't talk about that, but that is the other side of the coin.

Senator GRAHAM from Florida mentioned page 118 of the restoration projects. I point out that none of the restoration projects mentioned include municipal water supply. This proposal benefits the municipal water supply to the extent of 20 percent of the overall cost of the project.

In my State, the municipal water supply is paid for 100 percent by the people in the community. If we look at the numbers on this project and subtract the benefit to the State of Florida for the cost of paying for this public water supply that they would have to pay for entirely themselves, they are benefiting to the tune of $1.6 billion. If we take the $1.6 billion the State of Florida is benefiting from, the $3.9 non-Federal share they are putting into it, it works out to be $2.3 billion as what they are really paying out because they are saving on the $1.6 billion that they would have to spend on the public water supply.

Looking at those numbers, the relationship is basically 35 percent, the State of Florida; 65 percent, the Federal Government. I want the Senators to look at the numbers: 20 percent of this overall project is for the public water supply. Fine. But the fact is that if this project wasn't being undertaken, that public water supply would have to be supplied by the State of Florida or the communities within the State of Florida.

This argument that it is a 50–50 cost sharing on the construction costs does not state the facts. It is more like 35–65. Therefore, to say we are paying 50 percent of the construction costs; therefore, it should be 50–50 in operations, I don't think is a proper argument on their part.

In addition, I conclude with reference to the equity to the rest of the projects throughout the United States of America. In 1986 we decided O&M would be taken care of by the restoration project beneficiaries. I point out to the other Senator from Florida that as to the St. Luci project and many others mentioned, the Federal Government is picking up 100 percent of the cost that took place before 1986. Perhaps maybe one of the reasons why the Federal

Government decided not to pay 100 percent is because a lot of people thought that was not fair.

Mr. SMITH of New Hampshire. I yield 2 minutes to the Senator from Florida.

Mr. MACK. Mr. President, I respond to the question raised by the Senator from Virginia when we were talking about cost share. I suggested to Senator WARNER, if he looked in other places in Public Law 104, which is referred to as the Water Resources Development Act of 1996, he would find other language different from the language to which he was referring. That is found in section 316, central and southern Florida Canal, 111. Under ''Operation and Maintenance,'' it says:

> The non-Federal share of operation and maintenance cost of the improvements undertaken pursuant to this section shall be 100 percent;

However, if you go on, it says:

> . . . except that the Federal Government shall reimburse the non-Federal interest with respect to the project 60 percent of the cost of operating and maintaining pump stations that pump water into Taylor Slough and in the Everglades National Park.

I wonder what the argument was 14 years ago about changing precedent. People want to refer to precedent. The reality is that Congress does what the Congress believes is necessary to carry out an important project. I think it is pretty clear. In fact, my colleagues who oppose this cost share have indicated they are going to support the resolution, or support the act; therefore, I think, accepting the notion of the significance and importance of what we are doing. And therefore it is reasonable for the Senate to determine on this particular project because of its unusual, unique circumstances, that somehow we should, in fact, have a 50–50 cost share.

I do not find that stunning, and I am not impressed with the fact that for the last 14 years which some want to refer to that there has been a precedent established. There are all kinds of indications that we have had different cost shares, to the extent that we find in some areas the Federal Government is picking up 100 percent of the cost of operation and maintenance.

I again say to my colleagues, I hope they will support Senator GRAHAM and I and Senators SMITH and BAUCUS and defeat this amendment.

Mr. SMITH of New Hampshire. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we all want to protect the Everglades. I don't think there is a Senator here who does not want to substantially protect and restore the Everglades.

How do we do it? What is the most fair, most equitable way to restore the Everglades? I think it is important to remember we cannot let perfection be the enemy of the good. There is no perfect solution. But there are good solutions. The committee has crafted a good solution.

It is true, as the Senator from Virginia and the Senator from Ohio are pointing out, we are breaking precedent. It is true. The provisions of the bill do provide for Uncle Sam to pay 50 percent of the operation and maintenance cost of this very large and very important project. That is true. I share many of the concerns of the Senators, the potential slippery slope; what is this going to lead to? Why are we breaking precedent here? It is a 14-year precedent, I think. It has been some time. What is a Federal interest? Sometimes it is hard to define what a Federal interest is.

But just as there are more Federal dollars going in for operation and maintenance, on the other side of the equation we are also breaking another precedent; that is, the State is putting up more of the construction costs. Ordinarily the State would have to put up about 35 percent of the construction costs. It is a big project, about $8 billion. Florida has decided to put up the full 50 percent. So they are paying more than they ordinarily would. The U.S. Government will be paying more than it ordinarily would in operation and maintenance costs.

This arrangement may not be perfect. But we are dealing with an extraordinary, special situation, and that is the Everglades. All of us in America feel a part of the Everglades. Certainly, the Floridians feel more closely attached to the Everglades, but I think the rest of us in this country have a feeling about it. It is part of America, a special part of America we want to protect and restore as best we can. So I say we should stick with the approach the committee has come up with after a lot of hard work, and a lot of give and take.

In addition, I might point out 50 percent of the benefits go to parks, Federal parks, Federal land. There are about 18,000 square miles involved in the Everglades restoration. About 9,000 square miles of that is Federal lands; 9,000 is non-Federal lands. So it seems to me a 50–50 operation and maintenance cost share—it is rough justice. It is about right: 9,000 Federal, 9,000 non-Federal, 50–50; at a time when the State of Florida also is putting up more than its usual share for construction.

So this has been a good debate. In future years, when we are faced with similar questions, I know the Senator from Virginia and the Senator from Ohio are going to be front and center saying: Uh-oh, here we go again. Remember that time in September 2000? And they will be making good points. But I believe one has to make a decision. The decision is now before us to proceed with the bill and not adopt the amendment offered by my good friend, recognizing they made good points, but I do not agree those points are sufficiently valid to warrant passage of their amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Will the Senator yield for a question on my time?

Mr. BAUCUS. I yield.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. In those few moments when I am able to take a vacation, I like to go to your State.

Mr. BAUCUS. You go often and I appreciate it.

Mr. WARNER. I started there as a firefighter in 1943.

Mr. BAUCUS. You did, and you told many stories about how proud you are of that.

Mr. WARNER. I was a 15-year-old boy. But what are you going to tell the people in Billings, Missoula, Livingston? There is lots of Federal land out there.

What percentage of your State is Federal land?

Mr. BAUCUS. I tell you, we are very proud of it.

Mr. WARNER. It is a high percentage.

Mr. BAUCUS. I will tell them this is a good precedent for Montana.

Mr. WARNER. You better go back and undo some of the things we have done in the last 14 years and readjust the cost sharing.

I say to my friend, I don't understand it. The State of Florida has to pay 50 percent rather than 35 percent. I will tell you why. It is because you have so many collateral projects, wastewater and other things. But if that was the problem, why didn't you stick in the committee to the 35 percent and leave the cost sharing as it was and not change the law?

Mr. BAUCUS. I think the answer to that, if I might answer my friend, is, again, a sort of rough justice. The State of Florida wants to be a partner in this thing.

Mr. WARNER. We shifted from marriage to partner, Mr. President.

Mr. BAUCUS. It is not lopsided. There is a slight tilt in favor of the State of Florida, and I mean it is slight. It is not really out of bounds. But the Everglades is really special. It is a national treasure. I think we should help restore the Everglades.

Mr. WARNER. I thank my friend. I wouldn't want to go back to Virginia and say to my community they are more special than they are.

But one of the interesting things, if I may add for a minute, where are the environmental organizations, the watchdogs who are the first to come up? They are standing by in absolute silence as to the change of this law which they helped us put in place in 1986, and again in 1996. It is just silence across the land because of the romance and the mystique of this magnificent Everglades.

I say to those organizations: My little lakes, my little streams in Virginia are just as important. And the people of Virginia are paying to clean up the water going into those streams and lakes, rivers and dams, not the Federal Government.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield time to my friend from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Will the Senator from Montana yield for a question?

Mr. BAUCUS. Yes, on the Senator's time.

Mr. VOINOVICH. The cost sharing on municipal waters is 100 percent local. Does the Senator agree?

Mr. BAUCUS. That's correct, ordinarily.

Mr. VOINOVICH. I have many areas of my State that need to upgrade their water supply. They would love to have the Federal Government pick up the tab for part of it.

Mr. BAUCUS. That is correct, as do all States.

Mr. VOINOVICH. As mayor of Cleveland, we had to increase water rates 300 percent in order to do the job we needed to do and we didn't get any money from the Federal Government. I think it is really important to recognize that 20 percent of this total cost is municipal water supply. We are paying for the cost of the municipal water supply. They are avoiding some $1.6 billion of cost for this municipal water. That is an enormous contribution.

If you subtract out that $1.6 billion from Florida's share on it, it works out to be about 35–65, so that the argument, 50–50, and therefore we ought to do 50 percent of the operation and maintenance I do not think is as relevant as it might be if it was really 50–50.

Mr. BAUCUS. Might I respond to the Senator?

Mr. VOINOVICH. Yes.

Mr. BAUCUS. I heard what you are saying, but I think you heard the Senator from Florida, both Senators, very extensively explain how it is the Corps project, the original Everglades project, which I think cost about $3 billion in today's dollars to build, that caused a lot of the pollution problems.

Here we are coming up with a restoration of the Everglades which includes restoration of waters, municipal waters included, which otherwise would be degraded because of the original Corps project or because of the costs and pollution problems associated with that project.

Mr. VOINOVICH. The point is, I am not referring to wastewater. I am talking about public water supply which is very important to developing any State. You have people coming in, and you need a public water supply. In order to provide it, you have to go to the local people, the ratepayers, and say: Come up with the money. And the Federal Government does not participate.

In this project, we are saying to the State of Florida: If you have future municipal water needs, 20 percent of this project is for that. It is an equivalent of $1.6 billion, and you are going to be saving that cost in the future.

Mr. BAUCUS. I understand that, but, again, the same principle applies to municipal water as I explained applies to wastewater.

Mr. VOINOVICH. We do not agree on that.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. SMITH of New Hampshire. Mr. President, during the course of the debate on this amendment, I heard several statements made—I am sorry my colleague from Virginia is not on the floor at the moment—about precedent-breaking and about what the law says. We have heard all these representations about the law.

I have the law in my hand, and I am going to read from it word for word. This is the Water Resources Development Act of 1986, which has been cited a number of times, that somehow we are breaking precedent, violating law, or not maintaining the law with what we are doing in the Everglades.

Section 906(e). There are three criteria mentioned here in terms of construction, and then I will go to O&M:

> (e) In those cases when the Secretary, as part of any report to Congress, recommends activities to enhance fish and wildlife resources, the first costs of such enhancement—

In this case construction—

> shall be a Federal cost when—
>
> (1) such enhancement provides benefits that are determined to be national. . . .

Everybody in this Chamber today has called the Everglades a national treasure, including those proponents of this amendment.

> (2) such enhancement is designed to benefit species that have been listed as threatened or endangered by the Secretary of Interior. . . .

We have 68 endangered or threatened species in the Everglades.

> (3) such activities are located on lands managed as a national wildlife refuge.

We have 16 national wildlife refuges in the Everglades ecosystem.

Here is the line which is absolutely the opposite of what has been said on the Senate floor all afternoon on this amendment. Listen carefully. This is the O&M portion:

> When benefits of enhancement do not qualify under the preceding sentence, 25 percent of such first costs of enhancement shall be provided by non-Federal interests under a schedule of reimbursement. . . . The non-Federal share of operation, maintenance . . . of activities to enhance fish and wildlife resources shall be 25 percent.

If the non-Federal portion is 25 percent, the Federal portion should be 75 percent. All we are asking for in this legislation is a 50 percent Federal portion. We are not violating any law. We are absolutely following, to Florida's detriment, if one wants to take that position since they could do 75–25; we are doing 50–50.

It is very important my colleagues understand. No precedent is being broken. No law is being ignored or violated. We are working within the law under this provision, up to 75 percent Federal share when those three criteria of construction I just mentioned are met. We have met all three of those. We do not even have to meet them all. It is ''or.'' We met all three. As a result of that, we can go up to 75 percent. We have gone to 50 percent in the Federal share. There is a compelling reason to do this. It is fair, and it is within the law.

I will conclude with a few more points. If one looks at the so-called normal WRDA legislation, 65 percent Federal—35 percent State on construction—we are doing 50–50 with the Everglades—that is a 15-percent reduction in the Federal cost. If we take that 15-percent reduction—Senator MACK referred to this already—that is about $1.2 billion the Federal Government is saving on the construction portion.

The question is, If we take that $1.2 billion and offset it, how much O&M can we get out of that? Senator MACK thought it was around 20 years. So there are 20 years of O&M just from the savings on that particular part of the construction.

All my colleagues need to understand, this is a deal-breaking amendment. This amendment would basically take down the entire Everglades proposal, in my view, and WRDA, because to go from the 50–50 position, which has been delicately negotiated and has stayed within the law and stayed within the precedent, contrary to what has been said, would be a deal breaker. That would be a tragedy, in my view, with the greatest respect for the proponents because they feel strongly about this. I do not want to be breaking precedent or violating law and will not.

I want, first, my colleagues to know after this project is constructed, it is the responsibility of the non-Federal interests to operate and maintain it. In the Everglades provision, 50–50 O&M—I do not think that is out of the ordinary; it is within the law, as I said.

The Federal Government owns and manages about 50 percent of the lands that will benefit from this restoration project. Fifty percent is federally owned. For realizing 50 percent of the benefits, it is not unreasonable we should put up 50 percent of the costs. We could do 75 under the law; we are doing 50. There are four national parks, as I indicated before, 16 national wildlife refuges, 1 national marine sanctuary, and 21 federally managed properties, or 5 million acres of federally owned and managed lands all in the south Florida ecosystem.

I do not mean to imply that other projects are not important, but this project has plenty of Federal interest.

The level of the investment being put forth by the State is unprecedented, and they put it up early, to their credit. They put money aside right from

the beginning. We asked Governor Bush and the legislature to do that. They did it and did it quickly and willingly.

The Federal Government was responsible for damaging the Everglades, as has been pointed out. We did it. The Federal Government did it in 1948. That is another aspect of this that needs to be considered. We must look at what we did. We did the damage, not knowingly or not knowing how badly it was going to affect the Everglades, but we did it, and therefore we have an obligation to correct it. That should impact that figure of 50–50.

Do we want to ensure our investment in the restoration effort is preserved for future generations? The answer is unequivocally yes.

Do we believe the restoration project is an equal partnership between the Federal Government and the State of Florida? The answer is yes, absolutely. Florida does, too.

Do we want to impose on Florida the burden for maintaining fresh flows of water in the quality and quantity needed by our Federal trust resources? I do not think so. Our properties are our responsibility, and we should maintain them. That is not unreasonable.

The Everglades provision in the managers' amendment is supported by the administration, supported by the State of Florida, supported by two Native American tribes impacted by the restoration, and supported by industry groups and environmentalists, and they do not want to risk fracturing that delicate coalition of support.

Mr. President, I ask unanimous consent that a letter from Governor Bush of Florida in opposition to this amendment and a letter from several environmental groups in opposition, and also a letter from Dawson Associates, which represents a number of industries, be printed in the RECORD.

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

GOVERNOR OF THE STATE OF FLORIDA,
Tallahassee, FL, September 19, 2000.

Hon. BOB SMITH,
Chairman, Environment and Public Works Committee, Washington, DC.

DEAR MR. CHAIRMAN: Florida awaits with much anticipation Congress' authorization of the plan to restore America's Everglades. Our optimism is derived in large measure from the demonstrated leadership in the Senate, particularly your efforts and those of Senator Mack and Senator Trent Lott and his leadership team. We are also hopeful that, with time running out, the White House will hold together the bipartisan nature of this effort by encouraging minority members to keep focused on the historic nature of the opportunity before them.

Clearly, with just a few legislative days remaining, a key to success will be limiting efforts to revisit some of the fundamental agreements that have now carried us so far. Among these agreements is the unprecedented equal cost sharing arrangement between the federal government and our state.

This true and equal partnership creates all of the right incentive for making wise, cost-effective decisions as the project proceeds through construction, operation and maintenance. An equal and shared interest between the state and federal governments ensures that cost control remains a shared goal, and that design and construction decisions are made based on what will provide the greatest long-term efficiencies. No party will benefit from attempting to shift costs forward or backward for short-term advantage. Everybody, most importantly the taxpayers, wins if there is mutual benefit in controlling overall costs for the life of the project.

The current 50–50 cost sharing formula for construction, operation and maintenance of the Comprehensive Everglades Restoration Plan is far superior to the conventional funding formulas used for more typical Water Resource Development Act projects. Florida, by paying half of the project construction costs, will save the federal treasury nearly $2 billion. This up front savings to the federal government is equivalent to more than 20 years of the projected operation and maintenance costs.

Beyond the sound fiscal arguments for an equal partnership, there are also important practical and management benefits. All of the diverse interest that have rallied around the bill that is now before the Congress recognize the delicate political balance that has been a struck regarding the management and allocation of water resources in the South Florida ecosystem after the construction project is complete. Clearly the maintenance of this balance is best protected if there are equal commitments from the state and the federal government for the ongoing operation and maintenance of the project.

I respectfully urge you to remain alert to the importance of this full and equal partnership between the state and federal governments. Not only is this partnership formula fiscally and politically prudent, it is also critical to maintenance to maintaining the diverse and broad-based support that the bill before you has earned. Please let me know if you believe that this agreement is ever in jeopardy in the critical days ahead as this Congress prepares to make environmental history.

Sincerely,

JEB BUSH.

1000 FRIENDS OF FLORIDA, AUDUBON OF FLORIDA, CENTER FOR MARINE CONSERVATION, THE EVERGLADES FOUNDATION, THE EVERGLADES TRUST, NATIONAL AUDUBON SOCIETY, NATIONAL PARKS CONSERVATION ASSOCIATION, NATURAL RESOURCE DEFENSE COUNCIL, SIERRA CLUB, WORLD WILDLIFE FUND,
September 19, 2000.

Hon. BOB SMITH,
Chairman, Senate Environmental and Public Works Committee, Washington, DC.

Hon. MAX BAUCUS,
Ranking Member, Senate Environmental and Public Works Committee, Washington, DC.

DEAR SENATOR SMITH AND SENATOR BAUCUS: We are writing to express our opposition to the Voinovich amendment to H.R. 2796, the Water Resources Development Act of 2000, that would eliminate the state-federal operations and maintenance (O&M) cost share for the Comprehensive Everglades Restoration Plan (CERP).

S. 2796 presently provides a 50–50 cost share between the State and Federal government. The Voinovich amendment would make the State of Florida pay the entire cost. The Voinovich amendment ignores the fact that this is no ordinary water project because the taxpayer is a primary beneficiary of the project.

Within the project area there is a unique and compelling federal interest that justifies a 50–50 state/federal cost share for operations and maintenance. The project area includes four National Parks, 16 National Wildlife Refuges, and one National Marine Sanctuary that comprise five million acres of federally owned and managed lands—50% of the remaining Everglades.

In addition, approval of the Voinovich amendment would likely yield two results; both of which would severely jeopardize the likelihood of enacting Everglades Restoration legislation this year: First, the State could withdraw its support for the bill leaving this a project without a non-federal sponsor. Or, the State could seek new modifications to reflect the diminished federal commitment to restoration of America's Everglades, a move that would send the Everglades back to the drawing board with no time left on the clock.

Therefore, we respectfully request that you vote against the Voinovich Everglades cost share amendment to S. 2796.

Thank you for your consideration of our views.

Sincerely,

Nathaniel Reed, Chairman, 1000 Friends of Florida.

David Guggenheim, Vice President for Conservation Policy, Center for Marine Conservation.

Tom Rumberger, Chairman, The Everglades Trust.

Mary Munson, Director, South Florida Programs, National Parks Conservation Association.

Frank Jackalone, Senior Field Representative, Sierra Club.

Stuart Strahl, Ph.D., Executive Director, Audubon of Florida.

Mary Barley, Chair, The Everglades Foundation.

Tom Adams, Director of Government Affairs, National Audubon Society.

Bradford H. Sewell, Senior Project Attorney, Natural Resources Defense Council.

Shannon Estenoz, Director, South Florida/Everglades Program, World Wildlife Fund.

DAWSON ASSOCIATES, INC.,
Washington, DC, September 19, 2000.

Senator BOB SMITH,
Chairman, Committee on Environment and Public Works, Washington, DC.

DEAR CHAIRMAN SMITH: The coalition of Florida agriculture, water utilities, and homebuilders is convinced that without Federal participation in the costs of operation, maintenance, repair, replacement, and rehabilitation activities associated with the Comprehensive Everglades Restoration Plan (CERP), Everglades restoration will never be implemented. Governor Bush's Commission for the Everglades has taken the position that if the Federal government is to be a full and equal partner in restoration, it should share in all of the associated costs. Furthermore, it is certain that the Florida Legislature will not supply the level of funding needed to construct this plan if they are going to have to pay the full cost of operation over the life of the project.

The CERP is primarily a plan to restore and protect Federal properties, and the development of the plan has been dominated by the federal agencies, especially the Department of Interior. The restoration of a unique ecological system of world significance dramatically and fundamentally distinguished the purposes of the Comprehensive Plan from those of other Army Civil Works projects.

Furthermore, the Army Corps of Engineers indicated to stakeholders throughout the planning process that it would seek cost sharing for all modification over their life cycle. This commitment eliminated the biases in project decision-making that result when all costs are not treated in the same way. Affirming this commitment in the authorization will ensure that project design

decisions will continue to be based on cost-effectiveness alone.

Sincerely,

ROBERT K. DAWSON,
President.

COALITION MEMBERS

Florida Citrus Mutual (Mr. Ken Keck, Director for Government Affairs).

Florida Farm Bureau (Mr. Carl B. Loop, Jr., President).

Florida Home Builders Association (Mr. Keith Hetrick, General Counsel).

The American Water Works Association, Florida Section Utility Council (Mr. Fred Rapach, Chairman).

Florida Chamber (Mr. Chuck Littlejohn, Government Affairs).

Florida Fruit and Vegetable Association (Mr. Mike Stuart, President).

Southeast Florida Utility Council (Mr. Vernon Hargrave, Chairman).

Gulf Citrus Growers Association (Mr. Ron Hamel, Executive VP).

Florida Sugar Cane League (Mr. Phil Parsons, Environmental Counsel).

The Florida Water Environmental Association Utility Council (Mr. Fred Rapach, Chairman).

Sugar Cane Growers Cooperative of Florida (Mr. George Wedgworth, President).

Florida Fertilizer and Agri-chemical Association (Ms. Mary Hartney, President).

Mr. SMITH of New Hampshire. Mr. President, in conclusion, we have an opportunity to rectify a terrible mistake we made. We did it with good intentions. But we made a mistake. This is what we need to do. It is our responsibility now to do that. The Everglades provision in the managers' amendment is supported by these groups.

I urge my colleagues to preserve that Federal-State partnership in the Everglades restoration, to preserve this 50–50 O&M, and to reject this amendment because, again, I believe to pass this amendment would break the deal that we have already worked out so delicately among so many groups, No. 1, and, No. 2, it would be unfair. It would not be consistent with the law, WRDA 86, and it would not, in my view, be consistent with the precedent.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. WARNER. I yield such time as the Senator from Ohio may require. But before doing so, I ask for the yeas and nays on the Warner amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. VOINOVICH. Mr. President, I would like to comment on the remarks of the chairman of my committee for whom I have a great deal of respect. I would beg to differ in terms of the interpretation of what this water restoration project comes under.

This is not a fish and wildlife enhancement under 906(e). This is an environmental restoration under section 103 of WRDA 1986, as amended, which basically calls for: 100 percent of the operation, maintenance, replacement and rehabilitation costs for projects are to be paid by the local participant in the project.

Last, but not least—and, again, with all due respect to my chairman—as a former Governor of Ohio, I can tell you that if this amendment is adopted, the Governor of Florida is not going to walk away from this wonderful legislation that is going to help restore the Everglades and commit the Federal Government to—based on our hearing this week—half of some $14 billion.

If anyone is going to vote against this amendment because they think it is a deal breaker, in my opinion, it is not a deal breaker. This bill will pass. If this amendment is adopted, the bill is still going to pass, and we will move on with this project.

The PRESIDING OFFICER. Who seeks time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to accommodate the distinguished chairman of our committee to facilitate the vote, which would also accommodate a number of our colleagues.

We have had a very good debate. The issue before the Senate is very succinct and simple. We have had a body of law for 14 years. That law, with reference to this specific project, was reviewed in 1996. And explicitly, the Congress, after reviewing it, stated the following: ''The operation and maintenance of projects carried out under this section''—and that section dealt with the Florida Everglades—''shall be a non-Federal responsibility.'' So we are now about to vitiate 14 years of law.

I say to my colleagues, you will have to go back and explain to your constituents how all the projects in that 14-year period are now operation and maintenance being funded by the States, and that the budget for the projects prior to 1986 is underfunded by $440 million in this one fiscal year.

So I think it is a very bad precedent for this Congress to vitiate 14 years of law, and particularly when it was reviewed specifically with regard to this project just 4 years ago and explicitly written into law that the operation and maintenance would be entirely the responsibility of the State of Florida.

I yield the floor and yield back my time.

Mr. SMITH of New Hampshire. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. SMITH of New Hampshire. I am prepared to yield that back, but Senator LEVIN has asked for time to make a comment.

I yield 1 minute to the Senator from Michigan.

Mr. LEVIN. I thank the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I understand that there is a managers' package of amendments which have been cleared, and that one of those amendments was that of my colleague from Michigan, Senator ABRAHAM.

I had some concerns about that, which I have not had a chance yet to share with Senator ABRAHAM. I think I will be able to work this out with him, but I have not yet had the opportunity.

I understand now that amendment would be withheld from the managers' package until we can get back with the managers about that subject.

So if there is a managers' package that is offered tonight, it would not include that amendment?

Mr. SMITH of New Hampshire. The Senator is correct. We are going to try to offer a managers' package tonight. It will not include that amendment, to give the two Senators from Michigan the opportunity to work that out.

Mr. LEVIN. I thank the Senator for that. I will be in touch with Senator ABRAHAM in the hopes and belief, too, we will be able to work something out on it.

I thank my friend.

Mr. SMITH of New Hampshire. Mr. President, I now yield back all time on my side on the pending amendment.

Before the vote begins, I announce, on behalf of the majority leader, that following this vote on this amendment, there will be no further votes this evening.

Mr. President, I ask unanimous consent that the final passage vote for WRDA occur at 4:50 p.m. on Monday, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to Warner amendment No. 4165. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 24, nays 71, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—24

Allard	Helms	Roberts
Bunning	Hutchinson	Sessions
Burns	Hutchison	Shelby
Campbell	Inhofe	Specter
Cochran	Kyl	Stevens
Gramm	McConnell	Thomas
Grassley	Murkowski	Voinovich
Hagel	Nickles	Warner

NAYS—71

Abraham	Craig	Harkin
Ashcroft	Daschle	Hatch
Baucus	DeWine	Hollings
Bayh	Dodd	Inouye
Bennett	Domenici	Jeffords
Biden	Dorgan	Johnson
Bingaman	Durbin	Kennedy
Bond	Edwards	Kerrey
Breaux	Enzi	Kerry
Brownback	Feingold	Kohl
Bryan	Fitzgerald	Landrieu
Byrd	Frist	Lautenberg
Chafee, L.	Gorton	Leahy
Cleland	Graham	Levin
Collins	Grams	Lincoln
Conrad	Gregg	Lott

Lugar	Reid	Smith (OR)
Mack	Robb	Snowe
McCain	Rockefeller	Thompson
Mikulski	Roth	Thurmond
Miller	Santorum	Torricelli
Moynihan	Sarbanes	Wellstone
Murray	Schumer	Wyden
Reed	Smith (NH)	

NOT VOTING—5

Akaka	Crapo	Lieberman
Boxer	Feinstein	

The amendment (No. 4165) was rejected.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

AMENDMENTS NOS. 4166, 4167, 4168, 4169, 4170, 4171, 4172, AND 4173, EN BLOC

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendments to S. 2796 currently at the desk, be accepted en bloc. These amendments have been agreed to by the minority.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes amendments Nos. 4166 through 4173, en bloc.

The amendments are as follows:

AMENDMENT NO. 4166

(Purpose: To direct the Corps of Engineers to give expedited consideration to the completion of a study on renourishment of certain beaches in North Carolina)

At the appropriate place in title III, insert the following:

SEC. ____. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.

(a) DEFINITION OF BEACHES.—In this section, the term ''beaches'' means the following beaches located in Carteret County, North Carolina:

(1) Atlantic Beach.

(2) Pine Knoll Shores Beach.

(3) Salter Path Beach.

(4) Indian Beach.

(5) Emerald Isle Beach.

(b) RENOURISHMENT STUDY.—The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina.

AMENDMENT NO. 4167

(Purpose: To provide the Corps of Engineers the authority to accept and expend funds provided by public entities to process permits required by federal environmental statutes)

SEC. . (a) The Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of such funds as authorized in subsection (a) will result in improved efficiencies in permit evaluation and will not impact impartial decision making in the permitting process.

AMENDMENT NO. 4168

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island to meet its authorized purpose.

AMENDMENT NO. 4169

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

AMENDMENT NO. 4170

(Purpose: To provide assistance for efforts to protect and improve the Missouri River in the State of North Dakota)

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 4171

(Purpose: To direct the Secretary of the Army to establish a program to market dredged material)

At the appropriate place, insert the following section:

SEC. . SHORT TITLE.

This section may be cited as the ''Dredged Material Reuse Act''.

SEC. . FINDING.

Congress finds that the Secretary of the Army should establish a program to reuse dredged material—

(1) to ensure the long-term viability of disposal capacity for dredged material; and

(2) to encourage the reuse of dredged material for environment and economic purposes.

SEC. . DEFINITION.

In this Act, the term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

SEC. . PROGRAM FOR REUSE OF DREDGED MATERIAL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(b) LIMITATIONS.—The Secretary shall not establish the program under subsection (a) unless a determination is made that such program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(c) REGIONAL RESPONSIBILITY.—The program described in subsection (a) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the U.S. Treasury.

(d) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall submit to Congress a report on the program established under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $2,000,000 for each fiscal year.

AMENDMENT NO. 4172

On page 49, line 1, insert a comma between ''assessment'' and ''community''.

AMENDMENT NO. 4173

At the appropriate place insert:

SEC. ____. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) DEFINITIONS.—In this section:

(1) ACADEMY.—The term ''Academy'' means the National Academy of Sciences.

(2) METHOD.—The term ''method'' means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) FEASIBILITY REPORT.—The term ''feasibility report'' means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.

(4) WATER RESOURCES PROJECT.—The term ''water resources project'' means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) INDEPENDENT PEER REVIEW OF PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

(2) STUDY ELEMENTS.—In carrying out a contract under paragraph (1), the Academy shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for water resources projects, including but not limited to projects for navigation, flood control, hurricane and storm damage reduction, emergency streambank and shore protection, and ecosystem restoration and protection.

(3) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000, to remain available until expended.

(c) INDEPENDENT PEER REVIEW OF METHODS FOR PROJECT ANALYSIS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of water resources projects, including but not limited to projects for navigation, flood control, hurricane and storm damage reduction, emergency streambank and shore protection, and ecosystem restoration and protection; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

(2) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the

Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000, to remain available until expended.

Mr. BINGAMAN. Mr. President, I rise today to speak for a few minutes about my amendment in the managers' package to the Water Resources Development Act of 2000. My amendment is needed to allow the Army Corps of Engineers to continue to work on a feasibility study to alleviate the chronic flooding in the Southwest Valley of Albuquerque, New Mexico.

First, I want to thank the committee chairman, Senator SMITH, the distinguished ranking member, Senator BAUCUS, and Chairman VOINOVICH, as well as their fine staffs for all their good work on WRDA2000 (S. 2796).

For a number of years the Southwest Valley area of Albuquerque in my state has been prone to flooding after major rainstorms. The flooding has caused damage to irrigation and drainage structures, erosion of roadways, pavement, telephone and electrical transmission conduits, contaminated water and soil due to overflowing septic tanks, damaged homes, businesses, and farms, and presented hazards to automobile traffic. In 1997, Bernalillo County approached the Army Corps of Engineers to request a reconnaissance study of the chronic flooding problems.

The study area encompassed 17.8 square miles of mostly residential neighborhoods along the banks of the Rio Grande in the Southwest Valley and the 50 square miles on the West Mesa, including the Isleta Pueblo, that drain into the valley. The reconnaissance study began in March 1998 and is now completed.

The conclusions of the reconnaissance study define the magnitude of the continuing flooding problem in the Southwest Valley. The study also established a clear federal interest in the drainage project, found a positive cost to benefit ratio for the project, and identified work items necessary to begin designing a range of solutions to alleviate the chronic flooding problems in the valley.

In 1999, based on the positive findings of the reconnaissance study, the Environment and Public Works Committee authorized the Army Corps of Engineers to conduct a full study to determine the feasibility of a project for flood damage reduction in Albuquerque's Southwest Valley. The authorization is contained in section 433 of the Water Resources Development Act of 1999 (P.L. 106–53). I want to thank the EPW committee for authorizing this much needed feasibility study. The study began in March 1999 and is expected to be completed in February 2002.

Currently, Bernalillo County, the Albuquerque Metropolitan Arroyo Flood Control Authority and the Corps are working cooperatively on the feasibility study. Last year, the administration requested, and the Congress appropriated, $250,000 in Federal funding for the feasibility study. This year, the request was for $330,000. I want to thank the Appropriations Committees in the House and Senate for again providing the full amount requested.

Last July I had an opportunity to meet with the engineers from the Corps, the County, and AMAFCA to get an update on the study and to tour the areas in the Southwest Valley that are subject to chronic flooding. At the end of the tour, the Corps indicated to me that based on the initial results of the feasibility study, the flooding there was quite severe but the project did not seem to meet the Corps' required flow criterion of 1800 cubic feet per second for the 100-year flood. These flow criteria are outlined in the Engineering Regulations established for the Corps. Because of the obvious severity of the flooding, the engineers requested a legislative waiver of the regulations. Without a waiver, the Corps could not continue as a partner in the project. They also indicated the Corps' regulations do not contain any provision to waive the peak discharge criterion.

I'd like to take a few moments to describe briefly the unique situation in the Southwest Valley that necessitates a waiver of the Corps' standard regulations. The land along the west side of the Rio Grande is essentially flat. The river is contained by large earthen levees, which were built for flood control. When a river is contained this way by levees, the sediment accumulates in the river bed, slowly raising the level of the river. Of course, if there were no levees, when sediment builds up, the river would simply change course to a lower level. However, over the years, as the sediment has continued to accumulate in the Rio Grande, the level of the river within the levees is now higher than the surrounding land. Thus, when there are heavy rains during the monsoon season, the runoff has nowhere to go—it simply flows into large pools on the valley floor, flooding homes and farms. The water can't flow uphill into the river, so it stays there until it either evaporates or is pumped up and hauled away.

If the flood water sits in large pools and isn't flowing, it clearly can't meet any criterion based on the flow rate of water. Indeed, given the unique nature of the flooding in the Southwest Valley, most areas subject to chronic flood damage do not meet the Corps' peak discharge criterion.

During my visit in July, the three partners in the feasibility study specifically asked me for help in obtaining a waiver of the Corps' technical requirements to deal with this special situation. My amendment provides the necessary waiver the Corps needs to continue to work in partnership with the county and AMAFCA on this project.

This is not a new authorization; Congress authorized this study last year. My amendment is a simple technical fix to the existing authorization. I do believe the unique situation in Bernalillo County warrants a waiver of the Corps' standard regulations, and I thank the committee for accepting my amendment.

SAVINGS CLAUSE REPORT LANGUAGE

Mr. BAUCUS. Mr. President, as part of the manager's amendment we amend section (h)(3)(B) of the bill as reported that explains what the programmatic regulations should contain. What impact does amending this section have on the report language that accompanies this section.

Mr. SMITH. I am very glad that you asked that question. First let me explain what subsection (h)(3) does. Subsection (h)(3) requires the issuance of programmatic regulations to ensure that the goals and purposes of the Plan are achieved by guiding the implementation of the project implementation reports.

Confusion was raised due to the wording that we used in the bill as reported. In order to clarify section (h)(3)(B)(i), we deleted the words ''provide guidance.'' Despite the change in the manager's amendment, the report language for this section is still relevant, and reflects the committee's interpretation of this section. It is still the committee's intent that in developing the programmatic regulations, the Federal and State partners should establish interim goals-expressed in terms of restoration standards-to provide a means by which the restoration success of the plan may be evaluated through the implementation process. The restoration standards should be quantitative and measurable at specific points in the plan implementation.

Mr. BAUCUS. thank you for the clarification.

FLORIDA CONSUMPTIVE USE PERMITTING PROCESS

Mr. BAUCUS. In the manager's amendment we modified the agreement section of the bill. Am I correct that the purpose of this section is to require the State of Florida and the President of the United States to enter into a binding agreement requiring Florida to manage its consumptive use permitting process in such a manner that the State will be able to deliver the water made available by the plan for the natural system to ensure restoration.

Mr. SMITH of New Hampshire. That is correct. Furthermore, the plan should include an agreemen that the State will not pre-allocate any water generated by the plan for consumptive use or otherwise make this water unavailable by the State. This agreement is extremely is extremely important, as are the programmatic regulations,

in ensuring that the needs of the natural system are met.

Mr. BAUCUS. Thank you for the clarification.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 4166 through 4173, en bloc) were agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BREAKENRIDGE FLOOD REDUCTION PROJECT

Mr. GRAMS. Mr. President, I would like to engage the distinguished chairman of the Environment and Public Works Committee, in a brief colloquy on an extremely important flood reduction project. As the Chairman may recall, I have been a strong proponent of the ongoing Breckenridge flood reduction project in Breckenridge, Minnesota. I am pleased that the Chairman has agreed that this existing flood control project should continue to proceed expeditiously. As a result of the 1997 floods, the city of Breckenridge experienced over $30 million in flood related damages. That flood cost the Federal Government millions of dollars in expenditures for advanced measures for flood fighting, flood emergency actions during the flood, and post-flood clean-up and recovery efforts at Breckenridge.

After the 1997 flood, the city has taken numerous actions to protect themselves from future catastrophic flooding. Such actions include the acquisition of many flood prone properties; local design and construction of new local flood levees at selected areas; initiation of a partnership between the Corps of Engineers, the city, and the State of Minnesota for a cost-shared Section 205 Feasibility Study to define an implementable Federal flood reduction project.

The city of Wahpeton, North Dakota is located immediately across the Red and Bois de Sioux Rivers from Breckenridge and is therefore strongly inter-related from a hydraulic and social perspective. Wahpeton has also entered into a separate cost-shared Section 205 flood reduction study for protecting their city. The flood protection plans now formulated for Wahpeton and Breckenridge are interdependent with each project relying on flood control features to be implemented by their sister city. If Wahpeton moves forward before Breckenridge, then Breckenridge could experience even more flooding. The two projects should proceed together. Therefore, in order for either project to move forward through completion these separate Federal flood reduction projects must both be constructed expeditiously. The timing associated with construction of each project will affect the implementation options and costs for each project.

I would like to continue to work with the Chairman as this bill goes to conference in providing further assurances that this existing flood control project be constructed as quickly as possible so that the city of Breckenridge can be protected from future flooding.

Mr. WELLSTONE. Mr. President, I want to echo the words of my colleague from Minnesota and thank my colleagues, the Chairman and ranking members of the Environment and Public Works Committee for their attention to the needs of the residents of Breckenridge, Minnesota and this much needed flood control project. We have come a long way since the floods of 1997, when I visited the community to witness first hand the devastation. Since then the city of Breckenridge has been working closely with the Army Corps of Engineers and the Minnesota Department of Natural Resources to design a comprehensive flood control plan to protect the community from future losses. I am pleased that the Senate WRDA bill will include authorization for this much needed flood control project.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to be able to accommodate the Senators' request and provide $21 million in authorized language for this existing and ongoing flood reduction project. I know how important this project is to the citizens of Breckenridge, Minnesota, and hope the construction can begin expeditiously.

Mr. GRAMS. Mr. President, I thank my colleague for his assistance.

ADAPTIVE ASSESSMENT AND MONITORING

Mr. GRAHAM. Mr. President, I rise to speak today about the Adaptive Assessment and Monitoring section of this legislation with my colleagues from Florida and New Hampshire. This is one of the most critical aspects of this legislation which builds in a feedback loop for the Army Corps and the South Florida Water Management District and ultimately, the Congress, to incorporate new information into Plan authorization, design and execution. I would encourage the Corps, under the authority and appropriations provided for the Comprehensive Everglades Restoration Plan [CERP], to coordinate with appropriately qualified outside institutions, both nationally and internationally, to conduct independent scientific assessments and monitoring as part of the Adaptive Assessment and Monitoring Program. I also believe that one of the most important elements of Everglades restoration will be technology transfer to other ecosystems. I recommend that the Corps continue its partnerships with appropriately qualified outside institutions, both nationally and internationally, to distribute lessons-learned from this experience.

Mr. MACK. I echo the sentiments of the Senator from Florida about the Adaptive Assessment and Monitoring Program. As this is a long-term plan spanning almost 25 years in execution, it stands to reason that research will yield new information and technology changes will yield new solutions. The Adaptive Assessment and Monitoring Program is critical to ensuring that this new information is incorporated into our planning process for this project. The type of collaboration described by my colleague from Florida will ensure that resources are wisely spent by utilizing and expanding monitoring programs already in operation.

Mr. SMITH of New Hampshire. I thank my colleagues from Florida for bringing these issues to my attention, and I agree with my colleagues that the Corps of Engineers should take advantage of the expertise of appropriately qualified outside institutions, both nationally and internationally, in the Adaptive Monitoring and Assessment Program authorized under this legislation.

INDIAN TRUST DOCTRINE PROVISION

Mr. BAUCUS. Section (h)(2)(C) of Title VI of S. 2796 states, ''in carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian trust tribes in South Florida under the Indian Trust Doctrine as well as other applicable legal obligations.'' Is the intent of this provision to ensure that the Secretary of the Interior give full and equal consideration to all his legal responsibilities?

Mr. SMITH. The Senator is correct. The intent of this provision is to ensure that the Secretary of the Interior, in carrying out his responsibilities as authorized by this Act, shall fully and equally consider all of his legal responsibilities including, but not limited to the Indian Trust Doctrine, Everglades National Park, Biscayne National Park, Big Cypress National Preserve, the National Park System, the National Wildlife Refuge System, Migratory Bird Treaty, and the Endangered Species Act.

Mr. BAUCUS. I thank the Chairman.

CLARIFICATION OF INTENT OF THE SAVINGS CLAUSE

Mr. BAUCUS. Mr. President, I would like to ask the Chairman of the Senate Environment and Public Works Committee to clarify the intent of the Savings Clause provision included in subsection (h)(5) section of 601 of S. 27976, as modified by the manager's amendment.

Mr. SMITH. I would be happy to clarify.

Mr. BAUCUS. It is my understanding that the Savings Clause was intended to provide that until a new source of water supply of comparable quantity and quality is available to replace any water supply to be lost as a result of implementation of the Plan, the Secretary of the Army and the non-federal sponsor shall not eliminate or transfer existing legal sources of water.

Mr. SMITH. That is my understanding as well.

Mr. BAUCUS. Am I correct in saying with respect to flood control, the Savings Clause was intended to ensure that implementation of the Plan will

not result in significant adverse impact to any person with an existing, legally recognized right to a level of protection against flooding, including flood protection for the natural system?

Mr. SMITH. The Senator is correct.

Mr. BAUCUS. Furthermore, I understand that the Savings Clause provision was not intended to allow the U.S. Army Corps of Engineers to redirect to the natural system water from the human environment of unsuitable quality or quantity in an effort to provide the flood protection guaranteed in the section?

Mr. SMITH. Yes, that is my understanding of the intent of the Savings Clause as well.

Mr. BAUCUS. I thank the Senator for his assistance in clarifying the intent of this provision.

WATERBURY DAM

Mr. LEAHY. Mr. President, I want to thank my distinguished colleagues, Senators BAUCUS and SMITH, for their hard work on the Water Resources Development Act of 2000. I am especially grateful for their inclusion of a provision in this bill that will ultimately expand the successful federal, state, and local partnerships restoring the highest water quality in the Lake Champlain watershed.

One project that we could not come to full agreement on before this bill's passage, however, was authorization for the repair of the Waterbury Dam. Our lack of final language was in a large part due to the absence of a final Dam Safety Assurance Program Evaluation Report from the Army Corps of Engineers, a final draft of which was sent to ACE Headquarters for review on August 24, 2000.

The Waterbury Dam was built by the Army Corps of Engineers in 1935 and holds 1.23 billion cubic feet of water in its reservoir. Were the dam to fail, this volume of water would ultimately submerge and destroy the entire corridor of cities and towns downstream in the Winooski River valley. Thousands of lives would be lost. Hundreds of thousands of acres would be completely devastated.

Unfortunately, increasingly serious cracks and seepage in Waterbury Dam's structure were recently discovered and have heightened concerns that the dam could, in fact, fail. The State of Vermont and the Army Corps went into action and drew down the water level to alleviate pressure on the dam. The Corps carried out an assessment this summer to further characterize immediate repair needs. There is strong evidence that these cracks are, in fact, the result of initial design flaws and the Corps work today follows two previous instances—one in 1956–8 and one in 1985—when the Army Corps of Engineers had full authority to make needed dam modifications.

I understand that the Army Corps of Engineers is expediting the review of the Dam Safety Assurance Report for the Waterbury Dam. I am grateful to Senators SMITH and BAUCUS for their understanding that the final report may contain important information relevant for authorization of the project.

I look forward to working with my distinguished colleagues, Senators SMITH and BAUCUS, once the report is finalized and is able to guide our plans for Waterbury Dam repair.

Mr. SMITH of New Hampshire. I realize that Waterbury Dam repair is a pressing need for the state of Vermont and will carefully analyze the final report when it is released from the Army Corps of Engineers.

Mr. BAUCUS. I join Chairman SMITH in recognizing the need for repairs to Waterbury Dam in Vermont.

Mr. INHOFE. Mr. President, there is an issue that needs to be addressed in WRDA that is not addressed by this bill. On June 12, 2000, the Administration sent us a report on the management of the Corps of Engineers' hopper dredge fleet. It says that efforts initiated by Congress in WRDA 96 have been successful. That legislation moved more of the routine maintenance dredging to the private sector and increased the Corps emergency response capability. In their report, the Corps recommended a plan that would move a little more work to the private sector while rehabilitating the oldest federal hopper dredge for emergency response purposes. While it may be questionable whether or not the benefit of this federal investment is worth the cost, I am willing to implement the Corps recommendations in order to get the management and emergency response improvements that are described in the report to Congress. After receiving the report, I requested legislative language from the Corps that they provided to me. I have been attempting to work with interested members to get this language, or possibly other compromise language, adopted in this legislation. I do not understand why the Corps recommendation is not considered a victory by the supporters of this federal dredge. The Corps strongly believes that their recommendation is a win-win for the nation's ports and the ports along the Delaware River as well as the nation's taxpayers. While I am not offering an amendment here today, I want my colleagues to know that this is an issue that I am going to pursue. I hope that we will be able to work something out in the conference committee. Thank you very much. I look forward to working with my colleagues on this important national issue.

Mr. FEINGOLD. Mr. President, there is a clear need for Independent Review of Army Corps of Engineers' projects. During debate on this bill I was prepared to offer an amendment on Independent Review. It was drawn from similar provisions in a larger piece of Corps Reform legislation sponsored by my Wisconsin colleague in the other body (Mr. KIND). My interest in an Independent Review amendment was shared by the Minority Leader (Mr. DASCHLE) and the Senator from California (Mrs. BOXER) and a number of taxpayer and environmental organizations. including: the League of Conservation Voters, American Rivers, Coast Alliance, Earthjustice Legal Defense Fund, Izaak Walton League of America, Natural Resources Defense Council, Sierra Club and Taxpayers for Common Sense.

I believe that the Senate should act right now to require Independent Review in this Water Resources Development Act, but the Senate is apparently not ready to take that step. Nevertheless, in response to my initiative, the bill's managers (Senator SMITH and Senator BAUCUS) have adopted an amendment as part of their Manager's Package which should help get the Authorizing Committee, the Environment and Public Works Committee, the additional information it needs to develop and refine legislation on this issue through a one year study by the National Academy of Sciences (NAS) on peer review. As part of the discussions with the Senator from New Hampshire (Mr. SMITH) and the Senator from Montana (Mr. BAUCUS) over the amendment I intended to offer, they have agreed that as the NAS conducts its review, they will hold hearings on the issue of Corps reform and on a bill which I will introduce next Congress that will include Independent Review. I want to make certain that an NAS study does not become an excuse not to do anything on Corps reform for a year. Therefore, I have not opposed that study, and its completion will eliminate one argument against enacting serious Corps reform. The managers understand my concern in this regard, and are interested in moving forward on reforms, and have agreed to my request for hearings. It is my hope that through hearings the NAS study and my bill can dovetail nicely so that we have a fully vetted bill which can then be fined tuned by the NAS recommendations. The agreement we have made provides the best chance to pass a serious reform bill in the next year, rather than reach deadlock.

I appreciate the efforts that the Managers of this bill have taken to bring this bill to the floor in the closing days of this Senate. I know that many of these Corps projects are extremely important to many of our constituents. However, Mr. President, in light of the attention and concern that the replacement of the Upper Mississippi locks has had in my own home state, I felt it that it was important that the issue of establishing additional oversight and review of Corps projects be raised in the context of this year's Water Resources bill, and that we begin down the road to passage of Corps reform legislation. Today we are closer to that goal than we were yesterday.

As last week's five part series on the Corps of Engineers which ran in the Washington Post last week highlighted, the ongoing construction and maintenance of Corps dams, navigation

channels, and flood control structures, and other water development projects dramatically alter the nation's landscapes. Michael Grunwald's Sunday, September 10, 2000 story made this point very clear that the debate over whether the Corps:

. . . should grow or shrink, and how much it should shift its focus from construction projects to restoration project. . .may not be the sexiest of Beltway brawls, but it will have a dramatic effect on America. Corps levees and floodwalls protect millions of homes, farms and businesses. Its coastal ports and barge channels carry 2 billion tons of freight annually. Its dams generate one-fourth of America's hydroelectric power. Its water recreation sites attract more visitors than the National Park Service's. Its land holdings would cover Vermont and New Hampshire. But the Corps may have its greatest impact on nature . . . So the future direction of the Corps will help determine the future health of America's environment.

Furthermore, this major government program costs federal taxpayers billions of dollars each year, and unfortunately, there have been times when economically unjustified activities have made it through to construction. While there are heartening signs of reform in the Corps Civil Works program, Congress should be working to create an independent process to help affirm when the Corps gets it right and help to provide a means for identifying problems before taxpayer funded construction investments are made. Today we begin that work in earnest.

Mr. President, I feel that requiring independent review of large and controversial Corps projects is a practical first step down the road to a reformed Corps of Engineers. Independent review would catch mistakes by Corps planners, deter any potential bad behavior by Corps officials to justify questionable projects, and would provide planners desperately needed support against the never ending pressure of project boosters. Those boosters, Mr. President, include Congressional interests, which is why I believe that this body needs to champion reform—to end the perception that Corps projects are all pork and no substance. As Mike Grunwald's article on Monday, September 11, 2000 states:

Water projects are a traditional coin of the realm on Capitol Hill, offering members of Congress jobs, contracts and other benefits for their constituents and campaign contributors —as well as ribbon cutting opportunities for themselves. In fact, the Corps budget consists almost entirely of projects requested by individual lawmakers, then approved by the Corps; the agency has almost no discretionary funds of its own.

I wish it were the case, Mr. President, that I could argue that additional oversight were not needed, but unfortunately, I see that there is need for additional scrutiny. In the Upper Mississippi there is troubling evidence of abuse. There is troubling evidence from whistleblowers that senior Corps officials, under pressure from barge interests, ordered their subordinates to exaggerate demand for barges in order to justify new Mississippi River locks. This is a matter which is still under investigation, and I hope that no evidence of wrongdoing will ultimately be found. Adequate assessment of the environmental impacts of barges is also very important. I am also concerned that the Corps' assessment of the environmental impacts of additional barges does not adequately assess the impacts of barge movements on fish, backwaters and aquatic plants. We should not gamble with the environmental health of the river. If we allow more barges on the Mississippi, we must be sure the environmental impacts of those barges are fully mitigated.

I am raising this issue principally because I believe that Congress should act to restore trust in the Corps if we are going to complete an unbiased assessment of navigation needs. The first step in restoring that trust is restoring the credibility of the Corps' decision-making process. We must remove the cloud hanging over the Corps. There is a basic conflict of interest here, and Mike Grunwald's story on Wednesday, September 11, 2000, again in the Washington Post, makes this clear:

The same agency that evaluates the proposed water projects gets to work on the ones it deems worthwhile. If the analysis concludes that the economic costs of a project outweigh its benefits, or that the ecological damage of a project is too extreme, then the Corps loses a potential job.

Unfortunately, Mr. President, Congress now finds itself having to reset the scales to make economic benefits and environmental restoration co-equal goals of project planning. Our rivers serve many masters—barge owners as well as bass fisherman—and the Corps' planning process should reflect the diverse demands we place on them. I want to make sure that future Corps projects no longer fail to produce predicted benefits, stop costing more than the Corps estimated, and do not have unanticipated environmental impacts. In the future, we must monitor the result of projects so that we can learn from our mistakes and, when possible, correct them. We should impose a system of peer review as soon as possible and consider other comprehensive reforms. In a first step toward full evaluation of projects, I have committed myself to making Corps reform a priority in the next year and in the 107th Congress. The agreement we have reached today ensures that this Senate will also make it a priority.

MORNING BUSINESS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent there be a period for the transaction of routine morning business, with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered. *****-*****--Name: -Payroll No. -Folios: -Date: -Subformat:

THE AMERICAN RED CROSS NATIONAL BLOOD APPEAL

Mr. THURMOND. Mr. President, we are currently facing one of the worst blood shortages in history, and I implore the citizens of this fine nation to volunteer to be a blood donor. Across the country hospitals are having to postpone life saving operations because of the lack of blood. Just the other day, the Medical University of South Carolina in Charleston had to postpone a liver transplant because it lacked the necessary blood supply to perform the surgery. This is simply not acceptable.

On September 19, 2000, Dr. Bernadine Healy, president and CEO of the American Red Cross, made the following statement stressing the critical need for blood donations. I feel that it is essential that we heed Dr. Healy's advice, and I ask unanimous consent that her statement be printed in the RECORD.

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

STATEMENT BY DR. BERNADINE HEALY, SEPTEMBER 19, 2000, AMERICAN RED CROSS BLOOD SUPPLY PRESS CONFERENCE

At this moment, the nation's blood supply is in critically short supply. We could not practice modern medicine without blood. Right now, the medical care of patients is being altered, postponed or canceled because the blood they need is not available. This silent savior in many medical emergencies is in short supply.

Blood is a critical link in the chain of health care nationwide. Together, the American Red Cross and the hundreds of independent blood centers maintain the strength of that link providing blood to patients in need. But that link is weak, and the chain of caring is being stretched to its limit.

Our role as blood bankers is an important one and we take our responsibilities very seriously. Every donor provides a generous gift of life and we recognize that gift as part of a precious national resource. We are now facing a time when the demand for this resource has grown such that it is outpacing our ability to provide adequate supplies.

In August 1999, the Red Cross collected about 16,700 units of blood per day. In August 2000, we collected nearly 17,300 units of blood daily—an increase of 3 percent. However, while collections have increased, so too has distribution. In August 1999, we distributed more than 14,700 units of blood each day. In August 2000, we distributed nearly 17,000 units each day, a 14 percent increase for that one month.

The American Red Cross believes we need a three-day inventory available—about 80,000 units—which enables us to provide an uninterrupted supply of blood to patients in need. However, for the entire summer, the Red Cross has operated on little more than a two-day supply.

Last Friday, our national inventory plummeted to 36,000 units of blood, and we consider 50,000 units to be a critical inventory level. Thirty-four of our thirty-six blood regions nationwide are in urgent need of blood donations. Many of our regions are being forced to ask local hospitals to postpone elective surgeries, especially if the patient in question has type 0 blood because the demand is greatest for this type.

An increase in the population, aging, growing numbers of medical procedures and more complex surgeries that were not possible years ago have contributed to this increase in demand. Patient undergoing chemotherapy and infants in neonatal care need blood. So do accident victims and those undergoing transplants. Blood is always, everywhere in need.