HOUSE OF REPRESENTATIVES—*Wednesday, November 6, 1985*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Oh God, teach us to appreciate each day and Your wonderful gifts which are on every side. We admit we so easily see the dangers and fears of our time and we recognize the problems of life. Yet, we know that You allow us light to brighten the darkness of despair and You give hope to every person. May Your spirit make glad our hearts that our eyes may see the beauty of our world and the opportunities for service to others that surround us each day. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House with an amendment to a joint resolution of the Senate of the following title:

S.J. Res. 29. Joint resolution to designate the week of November 11, 1985, through November 17, 1985, as "National Reye's Syndrome Week."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1124. An act to amend title 49, United States Code, to reduce regulation of surface freight forwarders, and for other purposes.

YESTERDAY VIRGINIA HAD A RENDEZVOUS WITH HISTORY

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, yesterday Virginia had a rendezvous with history.

Building on the effective leadership of Gov. Chuck Robb, Virginians elected Jerry Baliles, a man of great ability, to guide the Commonwealth for the next 4 years.

The election of Doug Wilder as Lieutenant Governor, the first black candidate elected to statewide office in the South since Reconstruction, and Mary Sue Terry, only the second woman attorney general in American history, confounded the skeptics.

Virginia showed the Nation that in our State neither race nor gender will stand as a barrier to election to high public office.

Our success is a tribute to Governor Robb's administration, which set a standard of excellence to which all Virginians aspire. We are all very proud of Governor Robb and the victory he is largely responsible for engineering.

Our Nation's democratic roots reach deep into the Old Dominion. There are many who believe today that our soil is fertile ground from which national leadership will again blossom.

HHS CONTINUES TO IGNORE CONGRESS ON ELDER ABUSE FUNDING

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, it has been called granny bashing and the King Lear syndrome.

It is estimated to strike over 1 million senior citizens annually.

We know it as elder abuse.

Last Congress we approved, for the first time, legislation to address this problem.

Last year, for the first time ever, Congress provided $6 million to fund a new prevention and treatment program for victims of family violence, including elderly family members.

To date, the Department of Health and Human Services has continued to ignore this funding and has steadfastly refused to issue regulations in order to implement this program.

Mr. Speaker, as an original member of the Select Committee on Aging which has been deeply involved in this issue and one of the authors of the family violence legislation, I remain shocked and dismayed at the arrogant and callous attitude of the Department in this matter.

While seniors are being victimized, physically and financially, the Department does nothing.

I call upon the Department to act immediately to issue regulations and release these funds to combat one of the most immediate and pressing health problems facing our vulnerable elderly today.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING THE 5-MINUTE RULE ON THURSDAY, NOVEMBER 7, 1985

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 10 a.m. on Thursday, November 7, 1985, for the purpose of continuing hearings on H.R. 277, a bill to amend the laws on limitation of a shipowner's liability, and on chapter 311 of H.R. 3156 pertaining to limitation of liability.

The ranking minority member of the committee, the gentleman from New York [Mr. LENT], and the ranking minority member of the subcommittee, the gentleman from Kentucky [Mr. SNYDER], have been apprised of the hearing date and time and are in accord with this request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

A TRIBUTE TO CHRIS PEDERSON

(Mr. SABO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABO. Mr. Speaker, I rise today in memory of Chris Pederson. Chris, you were a free spirit; you excited all of us who knew you. In an age of conformity, you questioned. You were young, but a friend to many. You leave us wondering about the mysteries of life, and learning to accept what we cannot understand.

To his parents, Dwight and Marion, and his sister, Denise, I offer my sympathy and concern.

Chris, you will be remembered and missed.

GUATEMALA'S FIRST ROUND ELECTIONS

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I am pleased to report that there is good news from Guatemala. Vinicio Cerezo and Roberto Carpio were declared the top two finishers in the No-

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vember 4 first round Presidential elections.

This sets the stage for a runoff election to be held on December 8. The winner will be sworn in on January 14 as Guatemala's first elected civilian President in 15 years.

This historic occasion took place without any interference by the military, and a bipartisan delegation of election observers from this country unanimously agreed that the election was fairly and efficiently conducted.

Mr. Speaker, this is a big step toward real democracy in Guatemala, and I urge my colleagues to join with me in cosponsoring House Concurrent Resolution 200, which commends the current military government of Guatemala for its commitment to returning that country to civilian rule.

APPOINTMENT OF CONFEREES ON H.R. 3038, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION ACT, 1986

Mr. SABO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3038), making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1986, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? The Chair hears none, and appoints the following conferees: Messrs. BOLAND, TRAXLER, and STOKES, Mrs. BOGGS, and Messrs. SABO, BONER of Tennessee, WHITTEN, GREEN, COUGHLIN, LEWIS of California, and CONTE.

THE SOCIAL SECURITY TRUST FUND INTEGRITY BILL

(Mr. FORD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, in an attempt to address the problem of Social Security Trust Fund disinvestment and other Federal trust fund disinvestments, I am introducing today the Social Security Trust Fund integrity bill, which would restore to the Social Security Trust Funds and other Federal retirement trust funds losses resulting from the recent noninvestments, redemptions, and disinvestments in connection with efforts to meet the public debt limit. Most importantly, it would require prior congressional approval of any further disinvestment of trust funds in connection with efforts to meet the public debt limit.

Last week, the Secretary of the Treasury violated the old age and survivors trust fund by removing $13 billion. These funds represented over one-third of the $37 billion value of the trust. The Secretary's action was a serious breach of his fiduciary responsibility as a trustee of the fund threatening the fund's integrity and possibly costing Social Security beneficiaries $1.1 billion—CBO estimate—over the next 5 years in lost revenues.

We cannot continue to compromise the economic safety of the elderly and disabled to avoid confronting the Federal deficit. Senior citizens and the disabled who rely on the availability of Social Security for their future are justly outraged and frightened by the potential loss of $1.1 billion to the fund. Although payments to beneficiaries were unaffected, the long-term fiscal health of the trust fund was jeopardized.

This legislation will renew our commitment to the American people to safeguard the Social Security Trust Fund, particularly from the annual debt limit battle. Contrary to the glib remarks of several administration officials, Social Security beneficiaries should not be pawns or scapegoats whenever the Government is faced with an economic crisis.

The Social Security Trust Fund surplus is a necessary source of financing for Government programs. However, we owe the trust fund and its beneficiaries the same treatment that private lenders receive—the payment of interest on debt. To do less would be blatantly unjust.

JUST ANOTHER FORM OF CREATIVE FINANCING?

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, this morning's media reports that the Federal Home Loan Bank Board chartered, without public discussion or comment or involvement by the Congress, a thrift to manage and dispose of savings and loan assets owned by the financially troubled Federal Savings and Loan Insurance Corporation. I support whatever help we can give to FSLIC, but these reports that I have seen raise more questions than they provide answers to how this new quasi-governmental organization will be structured and who will provide the capital necessary to transfer assets from FSLIC's books to the new corporation. We must know the long-range implications of this proposal. Let me mention just a few concerns that must be resolved:

Is this liquidating thrift just another form of creative accounting that moves assets from one place to another? The asset character at the ski resorts, condos and mushroom farms which FSLIC has inherited from insolvent thrifts will not change because they are held by a new corporation. Another unresolved question is how much liquidity will this new organization provide the FSLIC? And how much will the district banks be required to ante up to finance this liquidating thrift? Any contribution by the district banks must not endanger their credit standing in the financial markets, adversely affecting and influencing the cost of funds for the entire thrift industry.

We must insure, Mr. Speaker, that this proposal is not just a new, modern version of the pea and shell game. I hope the Congress will provide oversight to the Bank Board's new liquidating corporation.

□ 1010

THE NOTHING BURGER OF 1985

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, one important contribution the Reagan administration has made to political dialog in this country is the now famous concept of the nothing burger.

Yesterday's elections, coupled with other special elections this year, offer convincing proof that the highly touted realignment of Democratic voters to the Republican Party is the Nothing Burger of 1985. Yesterday, in Virginia, the voters of that great Commonwealth—targeted by Republicans for realignment—resoundingly rejected the rightwing Republican ticket strongly supported by Mr. Reagan and Rev. Jerry Falwell.

Only 1 month ago the voters of Honolulu voted to recall three Democratic city councilmen who switched to the Republican Party in an attempt to bring about a realignment by Mr. Reagan. And, of course, let us not overlook the election of our newest colleague from Texas, who withstood the most expensive Republican challenge of the year in this House race.

Mr. Speaker, based on all of these key tests of realignment, we Democrats can only look at Mr. Reagan's paltry Nothing Burger and wonder "Where's the beef?"

DEATH OF PRESIDENT SPENCER W. KIMBALL

(Mr. MONSON asked and was given permission to address the House for 1 minute.)

Mr. MONSON. Mr. Speaker, I rise today to pay tribute to a true man of God—the revered and loved prophet and president of the Church of Jesus

Christ of Latter-day Saints, Spencer W. Kimball. President Kimball, the respected leader of the so-called Mormon Church since 1973, died late last night in Salt Lake City, UT. President Kimball has presided over the church during years of unprecedented growth. At the time of his death, the church flourished as the fastest growing church in the world—now almost 6 million members strong.

President Kimball, the 12th president of the Mormon Church, has been one of the most energetic leaders of the church since its early days in the 1800's. At 90 years of age and in a frail state of health, President Kimball continued to serve as he had for decades giving strength and courage to the church members he so loved. He served as an example of honesty, truth, and love to all who knew him and exemplified his life's motto, which was simply: Do it. He delivered practical messages for the good of men and women all over the world, not just members of the Mormon Church. He advised people to be prepared; to have a house of order; to strengthen and cherish family relationships; to be energetic and true to the best that is in us. His sweet and loving presence will long be remembered and savored by those touched by his influence.

A TRIBUTE TO THE LATE DEACON JOHN H. ROEBUCK

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, I rise today to honor a gentleman who died yesterday morning, the father of one of our faithful employees, Raymond Roebuck.

Ray's father, Deacon John Roebuck, who was affectionately known as Papa Roebuck by his fellow Canaanites, was one of the original organizers of the Canaan Baptist Church. As a result of his calling, Deacon Roebuck was appointed the first deacon and the first chairman of the deacon board in the history of Canaan.

Prior to his affiliation with Canaan, Deacon Roebuck lived in Madison County, VA, where he was born on February 18, 1894. While there, he found joy in his work as a farmer before migrating to Washington, DC, in 1930. He attended Oak Grove Baptist Church and served as deacon there. Along his journey, Deacon Roebuck met and married Ms. Lillian Chivas, who became the mother of his 11 children.

Upon moving to the Washington area, Deacon Roebuck decided to work for the D.C. Park Service. He later accepted a position with the U.S. Post Office, and retired from there. He also became a deacon at the 1st Baptist Church of Mount Pleasant.

All of his 11 children, 14 grandchildren, and 15 great-grandchildren share mutually warm feelings toward him, as do all of us today.

AN EXPRESSION OF SYMPATHY TO RAYMOND ROEBUCK ON THE DEATH OF HIS FATHER

(Mr. LELAND asked and was given permission to address the House for 1 minute.)

Mr. LELAND. Mr. Speaker, let me join with my colleague, the gentleman from California [Mr. COELHO], in paying tribute to the father of our good friend, Raymond Roebuck.

Raymond, of course, has been a friend to many of us here in the Congress, Democrats and Republicans alike. Those who have traipsed through the Democratic Cloakroom know of the faithful and loyal service he has rendered to all of us. Even today, the day after his father passed away, Raymond is back there working.

We not only want to memorialize his father, but also pay tribute to Raymond for the contributions he has made to all of us. We want Raymond to know that he is indeed our friend and we his friend, and we want to say to him that if indeed he needs a shoulder or a hand, from this day forward, he has got many, many of those.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, November 4, 1985, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.J. Res. 36, by the yeas and nays;

H.R. 2205, by the yeas and nays; and

H.J. Res. 142, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MEMORIAL TO HONOR WOMEN WHO HAVE SERVED IN OR WITH THE ARMED FORCES

The SPEAKER. The unfinished business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 36, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the joint resolution, House Joint Resolution 36, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 29, as follows:

[Roll No. 391]

YEAS—405

Ackerman	Donnelly	Jenkins
Alexander	Dorgan (ND)	Johnson
Anderson	Dornan (CA)	Jones (NC)
Andrews	Dowdy	Jones (OK)
Annunzio	Downey	Jones (TN)
Applegate	Dreier	Kanjorski
Archer	Duncan	Kaptur
Armey	Durbin	Kasich
Aspin	Dwyer	Kastenmeier
Atkins	Dymally	Kennelly
Badham	Dyson	Kildee
Barnard	Early	Kindness
Barnes	Eckart (OH)	Kleczka
Bartlett	Eckert (NY)	Kolbe
Barton	Edgar	Kolter
Bateman	Edwards (CA)	Kostmayer
Bedell	Edwards (OK)	Kramer
Beilenson	Emerson	LaFalce
Bennett	English	Lagomarsino
Bentley	Erdreich	Lantos
Bereuter	Evans (IL)	Latta
Berman	Fascell	Leach (IA)
Bevill	Fawell	Leath (TX)
Biaggi	Fazio	Lehman (CA)
Biliirakis	Feighan	Lehman (FL)
Bliley	Fiedler	Leland
Boehlert	Fields	Levin (MI)
Boggs	Fish	Levine (CA)
Boner (TN)	Flippo	Lewis (CA)
Bonior (MI)	Florio	Lewis (FL)
Bonker	Foglietta	Lightfoot
Borski	Foley	Lipinski
Bosco	Ford (MI)	Livingston
Boucher	Ford (TN)	Lloyd
Boulter	Frank	Long
Boxer	Franklin	Lott
Breaux	Frenzel	Lowry (WA)
Brooks	Frost	Lujan
Broomfield	Fuqua	Luken
Brown (CA)	Gallo	Lundine
Brown (CO)	Gaydos	Lungren
Broyhill	Gejdenson	Mack
Bruce	Gekas	MacKay
Bryant	Gephardt	Madigan
Burton (CA)	Gibbons	Markey
Burton (IN)	Gilman	Marlenee
Bustamante	Gingrich	Martin (IL)
Byron	Glickman	Martin (NY)
Callahan	Gonzalez	Martinez
Campbell	Goodling	Matsui
Carney	Gordon	Mavroules
Carper	Gradison	Mazzoli
Carr	Gray (IL)	McCain
Chandler	Gray (PA)	McCandless
Chappell	Green	McCloskey
Chappie	Gregg	McCollum
Cheney	Grotberg	McCurdy
Clinger	Guarini	McEwen
Coats	Gunderson	McGrath
Cobey	Hall (OH)	McHugh
Coble	Hall, Ralph	McKernan
Coleman (MO)	Hamilton	McKinney
Coleman (TX)	Hammerschmidt	McMillan
Collins	Hansen	Meyers
Combest	Hartnett	Mica
Conte	Hatcher	Michel
Conyers	Hayes	Mikulski
Cooper	Hefner	Miller (OH)
Coughlin	Heftel	Miller (WA)
Courter	Hendon	Mineta
Coyne	Henry	Mitchell
Craig	Hertel	Moakley
Crockett	Hiler	Mollohan
Daniel	Hillis	Monson
Darden	Holt	Montgomery
Daschle	Hopkins	Moody
Daub	Horton	Moore
Davis	Howard	Moorhead
de la Garza	Hoyer	Morrison (CT)
DeLay	Hubbard	Morrison (WA)
Dellums	Huckaby	Mrazek
Derrick	Hughes	Murphy
DeWine	Hunter	Murtha
Dickinson	Hutto	Myers
Dicks	Hyde	Natcher
Dingell	Ireland	Neal
DioGuardi	Jacobs	Nichols
Dixon	Jeffords	Nielson

Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whittaker
Whitten
Williams
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—0

NOT VOTING—29

Addabbo
Akaka
Anthony
AuCoin
Bates
Boland
Chapman
Clay
Coelho
Crane
Dannemeyer
Evans (IA)
Fowler
Garcia
Hawkins
Kemp
Lent
Loeffler
Lowery (CA)
Manton
McDade
Miller (CA)
Molinari
Nelson
Quillen
Towns
Traxler
Whitley
Wilson

□ 1035

Mr. LEWIS of California and Mr. DICKINSON changed their votes from "nay" to "yea."

Mr. TORRICELLI and Mr. FRANK changed their votes from "present" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the joint resolution was amended so as to read: "Joint resolution authorizing establishment of a memorial to honor women who have served in or with the Armed Forces of the United States."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

KOREAN WAR MEMORIAL ACT

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2205, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the bill, H.R. 2205, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 28, as follows:

[Roll No. 392]

YEAS—406

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
Badham
Barnard
Barnes
Bartlett
Barton
Bateman
Bates
Bedell
Bellenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Biliirakis
Bliley
Boehlert
Boggs
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bruce
Bryant
Burton (CA)
Burton (IN)
Byron
Callahan
Campbell
Carney
Carper
Carr
Chandler
Chapman
Chappell
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Franklin
Frenzel
Frost
Fuqua
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lott
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (OH)
Miller (WA)
Mitchell
Moakley
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—0

NOT VOTING—28

Addabbo
Anthony
AuCoin
Boland
Bustamante
Clay
Crane
Dannemeyer
Evans (IA)
Fowler
Garcia
Hall, Ralph
Hawkins
Kemp
Lent
Loeffler
Lowery (CA)
Manton
Martinez
McDade
Miller (CA)
Mineta
Molinari
Nelson
Rodino
Towns
Watkins
Wilson

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize the American Battle Monuments Commission to establish a memorial to honor members of the Armed Forces of the United States who served in the Korean conflict."

A motion to reconsider was laid on the table.

□ 1045

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

The SPEAKER. The unfinished business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 142, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the joint resolution, House Joint Resolution 142, as amended, on which the yeas and nays were offered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 393]

YEAS—408

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
Badham
Barnard
Barnes
Bartlett
Barton
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Biliraki
Bliley
Boehlert
Boggs
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carper
Carr
Chandler
Chapman
Chappell
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Frank
Franklin
Frenzel
Frost
Fuqua
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lott
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOT VOTING—26

Addabbo
Anthony
AuCoin
Boland
Clay
Crane
Dannemeyer
Evans (IA)
Ford (MI)
Fowler
Garcia
Goodling
Hawkins
Kemp
Lent
Loeffler
Lowery (CA)
Manton
McDade
Miller (CA)
Molinari
Nelson
Scheuer
Shelby
Towns
Weaver

So (two-thirds having voted in favor thereof) the rules were suspended, and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Joint resolution authorizing establishment of a memorial to honor the estimated five thousand courageous slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the countless black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RODINO. Mr. Speaker, during the vote on H.R. 2205, the Korean War Memorial, I was in the Chamber but failed to vote. Had I voted, I would have voted "aye."

PERSONAL EXPLANATION

Mr. AKAKA. Mr. Speaker, during the vote on House Joint Resolution 36, I was unavoidably detained.

Had I been here, I would have voted "yes."

VACATING 60-MINUTE SPECIAL ORDER AND AUTHORIZING 5-MINUTE SPECIAL ORDER

Mr. PARRIS. Mr. Speaker, I ask unanimous consent that my 60-minute special order for today be vacated, and that I be permitted to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

WATER RESOURCES CONSERVATION, DEVELOPMENT, AND INFRASTRUCTURE IMPROVEMENT AND REHABILITATION ACT OF 1985

The SPEAKER. Pursuant to House Resolution 305 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the further consideration of the bill, H.R. 6.

□ 1058

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, with Mr. TRAXLER [Chairman pro tempore] in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, November 5, 1985, all time for general debate had expired.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of H.R. 3670 is considered by titles as an original bill for the purpose of amendment under the 5-minute rule in lieu of the committee amendments now printed in the bill, and each title is considered as having been read. Prior to title I, there are six sections which will be designated separately.

No amendments to the substitute are in order to title XV.

It is in order to consider en bloc the amendments to the substitute printed in the CONGRESSIONAL RECORD of November 4, 1985, by, and if offered by Representative HOWARD or his designee, and said amendments are in order although changing portions of the substitute not yet considered for amendment, and said amendments are not subject to a demand for a division of the question.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. In order to insure against cost overruns, each estimated cost set forth in this Act for a project shall be the maximum amount authorized to pay for the Federal share of the cost of that project, except that such maxium amount shall be automatically increased for—

(1) changes in construction costs (including real property acquisitions, preconstruction studies, planning, engineering, and design) from October 1984 as indicated by engineering and other appropriate cost indexes;

(2) modifications which do not materially alter the scope or functions of the project as authorized; and

(3) additional studies, modifications, and actions (including mitigation and other environmental actions) authorized by this Act or required by changes in Federal law.

□ 1100

The CHAIRMAN pro tempore. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. For purposes of this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

The CHAIRMAN pro tempore. Are there amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. Sections 201 and 202 and the fourth sentence of section 203 of the Flood Control Act of 1968 shall apply to all projects authorized by this Act.

The CHAIRMAN pro tempore. Are there any amendments to section 4?

The Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. Any spending authority under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts. For purposes of this Act, the term "spending authority" has the meaning provided in section 401(c)(2) of the Congressional Budget Act of 1974, except that such term does not include spending authority for which an exception is made under section 401(d) of such Act.

The CHAIRMAN pro tempore. Are there any amendments to section 5?

The Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

The CHAIRMAN pro tempore. Are there any amendments to section 6?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—PORT DEVELOPMENT

SEC. 101. DEEP-DRAFT PORT PROJECTS.

The following projects for ports are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

NORFOLK HARBOR AND CHANNELS, VIRGINIA

The project for navigation, Norfolk Harbor and Channels, Virginia: Report of the Chief of Engineers, dated November 20, 1981, at an estimated cost of $252,700,000 including such modifications as may be recommended by the Secretary in the report or reports transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of each segment of the proposed project will have on fish and wildlife resources and the need for mitigation of any damage to such resources resulting from such construction, operation, and maintenance. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study with respect to the project or separate reports on the results of such study with respect to each segment of the project, along with recommendations for modifications in any such segment which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of such construction, operation, and maintenance on such resources. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any such segment if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

MOBILE HARBOR, ALABAMA

The project for navigation, Mobile Harbor, Alabama: Report of the Chief of Engineers, dated November 18, 1981, at an estimated cost of $387,000,000, including such modifications as may be recommended in a plan transmitted under this paragraph; except that if non-Federal interests construct a bulk material transshipment facility in lower Mobile Bay, the Secretary, upon request of such non-Federal interests, may limit construction of such project from the Gulf of Mexico to such facility and except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. For reasons of environmental quality, not later than one year after the date of enactment of this Act, the Secretary, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Administrator of the Environmental Protection Agency, and appropriate non-Federal interests shall develop, and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a plan to dispose of dredged material from such project in the Brookley disposal area, referred to in such report of the Chief of Engineers, and a plan to mitigate damages to fish and wildlife from disposal of such material in the Brookley disposal area. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project unless such plans have been approved by resolution adopted by each such committee or unless the non-Federal sponsor of such project transmits, in the one-year period beginning on the date of enactment of this Act, a letter to each such committee indicating that the Secretary, the United States Fish and Wildlife Service, the Administrator of the Environmental Protection Agency, and the non-Federal interests are not able to develop such plans. Notwithstanding any other provision of law, no dredged or fill material shall be disposed of in the Brookley disposal area, referred to in such report of the Chief of Engineers unless such plans have been approved by resolution adopted by each such committee.

MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA

The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana: Report of the Chief of Engineers,

dated April 9, 1983, at an estimated cost of $175,100,000. Nothing in this paragraph and such report shall be construed to affect the requirements of Public Law 89-669, as amended.

TEXAS CITY CHANNEL, TEXAS

The project for navigation, Texas City Channel, Texas: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of $118,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any portion of the project (other than reaches six, seven, eight, and nine of the Common Entrance Channel) if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for deepening of the Ambrose Channel feature of the navigation project, New York Harbor and Adjacent Channels, to a depth of 55 feet and widening such channel to 770 feet, and for deepening of the Anchorage channel feature of such navigation project to a depth of 55 feet and widening such channel to 660 feet, at an estimated cost of $178,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. Disposal of beach quality sand from construction, operation, and maintenance of such features of such project shall take place at the ocean front on Staten Island, New York, and Sea Bright and Monmouth Beach, New Jersey, at full Federal expense. No disposal of dredged material from construction, operation, and maintenance of such features of such project shall take place at Bowery Bay, Flushing Bay, Powell's Cove, Little Bay, or Little Neck Bay, Queens, New York. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA

The project for deepening of the entry channel to the harbor of Los Angeles, California, to a depth of 65 feet and for deepening of the entry channel to the harbor of Long Beach, California, to a depth of 76 feet, including the creation of 800 acres of land with the dredged material from the project, as Phase I of the San Pedro Bay development, at an estimated cost of $230,000,000.

SEC. 102. GENERAL CARGO PORT PROJECTS.

The following projects for ports are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NEW HAMPSHIRE

The project for navigation, Portsmouth Harbor and Piscataqua River, New Hampshire: Report of the Chief of Engineers, dated February 25, 1985, at an estimated cost of $17,000,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph or with respect to such project under section 103. The Secretary, in consultation with Federal, State, and local agencies, shall study the adequacy of potential disposal sites necessary for construction, operation, and maintenance of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to assure that adequate disposal sites are available for construction, operation, and maintenance of such project. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

NEW HAVEN HARBOR, CONNECTICUT

The project for navigation, New Haven Harbor, Connecticut: Report of the Chief of Engineers, dated July 26, 1982, with such modifications as may be recommended by the Secretary in the report submitted under this paragraph, at an estimated cost of $18,600,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on oyster beds and the production of oysters in New Haven Harbor. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate adverse effects of such construction, operation, and maintenance on such beds and production. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project unless such acquisition and actual construction have been approved by resolution adopted by each such committee.

GOWANUS CREEK CHANNEL, NEW YORK

The project for navigation, Gowanus Creek Channel, New York: Report of the Chief of Engineers, dated September 14, 1982, at an estimated cost of $1,610,000.

KILL VAN KULL, NEW YORK AND NEW JERSEY

The project for navigation, Kill Van Kull and Newark Bay Channels, New York and New Jersey: Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of $260,000,000. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

ARTHUR KILL, NEW YORK AND NEW JERSEY

The project for navigation, Arthur Kill, New York and New Jersey: Draft report of the District Engineer for New York, dated May 1983, at an estimated cost of $59,000,000, including any modifications that may be recommended by the Secretary with respect to that project under section 103 of this Act.

NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for (1) an access channel 45 feet deep below mean low water and generally 450 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel, New York Harbor, westward approximately 12,000 feet along the southern boundary of the Port Jersey peninsula to the head of navigation in Jersey City, New Jersey, at an estimated cost of $29,700,000; and (2) for a channel 42 feet deep below mean low water and generally 300 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel westward approximately 11,000 feet to the head of navigation in Claremont Terminal Channel, at an estimated cost of $16,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. No disposal of dredged material from construction, operation, and maintenance of such project shall take place at Bowery Bay, Flushing Bay, Powell's Cove, Little Bay, or Little Neck Bay, Queens, New York. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA

The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina: Report of the Chief of Engineers, dated September 16, 1980, at an estimated cost of $7,160,000.

CHARLESTON HARBOR, SOUTH CAROLINA

The project for navigation, Charleston Harbor, South Carolina: Report of the Chief of Engineers, dated August 27, 1981, including construction of an extension of the harbor navigation channel in the Wando River to the State port authority's Wando River terminal, Report of the Chief of Engineers, dated May 1, 1985, at an estimated cost of $65,700,000.

SAVANNAH HARBOR, GEORGIA

The project for navigation, Savannah Harbor, Georgia: Report of the Chief of En-

gineers, dated December 19, 1978, at an estimated cost of $15,125,000, except that non-Federal interests shall be reimbursed by the Secretary for moving or modifying docks, bulkheads, warehouses, towers, and railroad facilities necessary for project construction, at an estimated cost of $3,160,000. Such reimbursement at total Federal expense shall be based on the replacement costs, exclusive of betterment, minus the fair market value of the existing structures.

MANATEE HARBOR, FLORIDA

The project for navigation, Manatee Harbor, Florida: Report of the Chief of Engineers, dated May 12, 1980, at an estimated cost of $10,800,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on the benthic environment of the area to be dredged. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of such construction, operation, and maintenance on such benthic environment. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on the benthic environment of the dredged area.

TAMPA HARBOR, EAST BAY CHANNEL, FLORIDA

The project for navigation, Tampa Harbor, East Bay Channel, Florida: Report of the Chief of Engineers, dated January 25, 1979, at an estimated initial cost of $2,860,000. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on water quality and the environment.

SAN JUAN HARBOR, PUERTO RICO

The project for navigation, San Juan Harbor, Puerto Rico: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of $63,000,000, including the acquisition of 22 acres of land for mitigation of the loss of algal beds associated with the project, as recommended in the report of the District Engineer, Jacksonville, Florida, entitled "Phase I: General Design Memorandum on San Juan Harbor, Puerto Rico".

CROWN BAY CHANNEL—ST. THOMAS HARBOR, VIRGIN ISLANDS

The project for navigation, Crown Bay Channel—St. Thomas Harbor, Virgin Islands: Report of the Chief of Engineers, dated April 9, 1982, at an estimated cost of $3,560,000. The Secretary shall monitor the turbidity associated with construction, operation, and maintenance of the project and establish a program to maintain, to the extent feasible, such turbidity at a level which will not damage adjacent ecosystems. In selecting a configuration for the disposal area for dredged material from the project, the Secretary shall consider configurations which will minimize, to the extent feasible, the loss of shallow water habitat.

LAKE CHARLES, LOUISIANA

The project for deepening of the project for navigation, Lake Charles, Louisiana, to a depth of 45 feet, at an estimated cost of $60,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

GULFPORT HARBOR, MISSISSIPPI

The project for navigation, Gulfport Harbor, Mississippi: Report of the Chief of Engineers, House Document Numbered 96-18, at an estimated cost of $59,100,000; except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. For the purpose of economic evaluation of this project the benefits from such open water disposal shall be deemed to be at least equal to the costs of such disposal. If the Secretary determines, after competitive bidding and pursuant to the provisions of Public Law 95-269, that transportation and disposal of dredged material cannot be carried out by contract at reasonable prices and in a timely manner, the Secretary is authorized to acquire any dredged material transport equipment necessary for prosecution of the project.

CLEVELAND HARBOR, OHIO

The project for harbor modification, Cleveland Harbor, Ohio: Report of the Board of Engineers for Rivers and Harbors, dated January 22, 1985, including bulkheading and other necessary repairs at pier 34 and approach channels and necessary protective structures for mooring basins for transient vessels in the area south of pier 34 and including such modifications as may be recommended by the Secretary with respect to such project under section 103. The existing dredged material containment site known as site 14 may be used for the containment of excavated material from construction of the project. There are authorized to be appropriated not to exceed $36,000,000 to carry out this paragraph.

LORAIN HARBOR, OHIO

The project for navigation, Lorain Harbor, Ohio: Report of the Chief of Engineers, dated February 5, 1985, at an estimated cost of $4,020,000.

GRAND HAVEN HARBOR, MICHIGAN

The project for navigation, modifications to Grand Haven Harbor, Michigan: Report of the Chief of Engineers, dated October 9, 1979, at an estimated cost of $13,000,000.

MONROE HARBOR, MICHIGAN

The project for navigation, Monroe Harbor, Michigan: Report of the Chief of Engineers, dated November 25, 1981, at an estimated cost of $114,300,000, including, for reasons of environmental quality, the formation of a 700 acre marsh in Plum Creek Bay, as described in the report of the District Engineer, Detroit District, dated February 1980, as revised December 15, 1980. The formation of such marsh shall be a Federal responsibility.

BRAZOS ISLAND HARBOR, TEXAS—BROWNSVILLE CHANNEL

The project for navigation, Brazos Island Harbor, Texas—Brownsville Channel: Report of the Chief of Engineers, dated December 20, 1979, at an estimated cost of $22,600,000. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for additional measures to mitigate losses of estuarine habitat and productivity associated with the project. The Secretary is authorized to undertake any measures which he determines to be necessary and appropriate to mitigate such losses.

DULUTH-SUPERIOR, MINNESOTA AND WISCONSIN

The project for navigation, Duluth-Superior, Minnesota and Wisconsin: Report of the Chief of Engineers, dated August 16, 1984, at an estimated cost of $9,410,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for measures to mitigate losses of fish and wildlife habitat and productivity. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate such losses. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

OAKLAND OUTER HARBOR AND OAKLAND INNER HARBOR, CALIFORNIA

The project for navigation, Oakland Outer Harbor, California: Reports of the Chief of Engineers, dated January 7, 1980, and July 1, 1983, at an estimated cost of $28,800,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study alternative dredged material disposal plans, including but not limited to plans which include marsh formation. The Secretary is authorized to undertake and monitor the effects of such dredged material disposal measures, including but not limited to such measures as will result in fish and wildlife habitat enhancement, as the Secretary determines are necessary and appropriate. Any measures required for construction of the project to protect the Bay Area Rapid Transit facilities shall be a Federal responsibility.

The project for navigation, Oakland Inner Harbor, California, as described in the Report of the Board of Engineers for Rivers and Harbors, dated January 28, 1985, at an estimated cost of $19,700,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. The Secretary, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Administrator of the Environmental Protec-

tion Agency, the State of California, and the Port of Oakland shall develop, and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a plan for a turning basin for such project. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the existence of, and possible adverse effects of project dredging on, any underground freshwater aquifer in the project area.

RICHMOND HARBOR, CALIFORNIA

The project for navigation, Richmond Harbor, California: Report of the Chief of Engineers, dated August 8, 1982, at an estimated cost of $26,500,000.

SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA

The project for navigation, Sacramento Deep Water Ship Channel, California: Report of the Chief of Engineers, dated November 20, 1981, at an estimated cost of $92,500,000.

HILO HARBOR, HAWAII

The project for navigation, Hilo Harbor, Hawaii: Report of the Chief of Engineers, dated December 4, 1984, at an estimated cost of $3,160,000.

BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON

The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96-26, at an estimated cost of $25,900,000; except that a permanent bypass road for the Blair Waterway may be constructed in lieu of construction of the East 11th Street bridge replacement recommended in such report if (1) the Secretary determines that construction of the bypass road is economically and environmentally feasible, (2) construction of the bypass road is approved by the Governor of the State of Washington, and (3) the bypass road is approved through adoption of resolutions by both the Tacoma City Council and the Tacoma Port Commission. If the bypass road is constructed in lieu of the bridge replacement project, the Federal share of the cost of construction of the bypass road shall not exceed an amount equal to the amount which would have been the Federal share of the cost of the bridge replacement project if the bridge replacement project had been carried out in accordance with such report.

GRAYS HARBOR, WASHINGTON

The project for navigation, Grays Harbor, Washington: Report of the Chief of Engineers, dated May 4, 1985, at an estimated cost of $61,500,000.

EAST, WEST, AND DUWAMISH WATERWAYS, WASHINGTON

The project for navigation, East, West, and Duwamish Waterways, Navigation Improvement Study, Seattle Harbor, Washington: Report of the Chief of Engineers, dated May 31, 1985, at an estimated cost of $36,700,000.

SAIPAN HARBOR, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

The project for navigation and harbor modification, Saipan Harbor, Commonwealth of the Northern Mariana Islands: Report of the Secretary of the Interior, pursuant to Public Law 96-597, prepared by the Army Corps of Engineers dated July 22, 1981, at an estimated cost of $14,000,000.

SEC. 103. GENERAL PROVISIONS.

(a) FINAL EIS AND SECRETARIAL RECOMMENDATIONS FOR CERTAIN PROJECTS.—In the case of any project authorized by this title for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, as soon as possible after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by such committees.

(b) LIMITATION ON APPLICABILITY OF CERTAIN PROVISIONS IN REPORTS.—If any provision in any report designated by this title recommends that a State contribute in cash 5 percent of the construction costs allocated to non-vendible project purposes and 10 percent of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 104. DESIGN AND CONSTRUCTION OF PROJECTS BY NON-FEDERAL INTERESTS.

(a) DESIGNING AND PLANNING.—

(1) SUBMISSION TO SECRETARY.—A non-Federal interest may plan and design any navigation project for a port not authorized by Federal law and submit such plan and design to the Secretary for review under paragraph (2).

(2) REVIEW BY SECRETARY.—The Secretary shall review each plan and design submitted under paragraph (1) for the purpose of determining whether or not such plan and design and the process under which such plan and design were developed comply with Federal laws and regulations applicable to the planning and designing by the Secretary of navigation projects for ports.

(3) SUBMISSION TO CONGRESS.—Not later than 180 days after receiving any plan and design submitted under paragraph (1), the Secretary shall transmit to the Congress, in writing, the results of such review and any recommendations the Secretary may have concerning the project described in such plan and design.

(4) CREDIT AND REIMBURSEMENT.—If a project for which a plan and design have been submitted under paragraph (1) is authorized by any provision of Federal law enacted after the date of such submission, the Secretary shall credit toward the non-Federal share of the cost of construction of such project an amount equal to the portion of the cost of developing such plan and design that would be the responsibility of the United States if such plan and design were developed by the Secretary. If the amount of such portion exceeds such non-Federal share, the Secretary shall reimburse the non-Federal interest for the amount of such excess. Such reimbursement shall be subject to appropriation of funds.

(b) CONSTRUCTION AND ACQUISITION OF LANDS.—

(1) APPROVAL OF PLANS; COST SHARING AGREEMENTS.—A non-Federal interest may—

(A) construct, in whole or in part, any navigation project for a port authorized by this title or any other provision of Federal law enacted before, on, or after the date of enactment of this title, and for which appropriations may be made for acquisition of interests in real property and actual construction; and

(B) acquire lands for disposal of dredged material, and make relocations of utilities, structures, and other improvements, necessary for such construction;

if the Secretary first approves the plans for construction of such project by the non-Federal interest and if the non-Federal interest enters into an agreement to pay the non-Federal share (if any) of the cost of operation and maintenance of such project.

(2) MONITORING.—The Secretary shall regularly monitor and audit any project for a port being constructed under this subsection by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary.

(3) REIMBURSEMENT.—Subject to appropriation of funds, the Secretary shall reimburse any non-Federal interest for the Federal share of the cost of any port project carried out substantially in accordance with the plans approved by the Secretary under this section.

(c) COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.—

(1) NOTICE OF INTENT.—The Secretary, on request from an appropriate non-Federal interest in the form of a written notice of intent to construct a navigation project for a port under subsection (b) or this subsection, shall initiate procedures to establish a schedule for consolidating Federal, State, and local agency environmental assessments, project reviews, and issuance of all permits for the construction of the project, including associated access channels and berthing areas, and onshore improvements, before the initiation of construction. The non-Federal interest shall submit with the notice of intent studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project.

(2) PROCEDURAL REQUIREMENTS.—Within 15 days after receipt of notice under paragraph (1) of this subsection, the Secretary shall publish that notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under paragraph (1) of this subsection to all State and local agencies that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in paragraph (3) of this subsection. Within 30 days after publication of the notice in the Federal Register, State and local agencies that intend to enter into the memorandum of agreement shall notify the Secretary of their intent in writing.

(3) SCHEDULING AGREEMENT.—Within 90 days after receipt of notice under paragraph (1) of this subsection, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and any State or local agencies that have notified the Secretary under paragraph (2) of this subsection shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with it and with related activities. The

schedule of compliance may not exceed two and one-half years from the date of the agreement.

(4) CONTENTS OF AGREEMENT.—The agreement entered into under paragraph (3) of this subsection, to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency.

(5) PRELIMINARY DECISION.—The agreement shall include a date by which the Secretary, taking into consideration the views of all affected Federal agencies, shall provide to the non-Federal interest in writing a preliminary determination whether the project and Federal permits associated with it are reasonably likely to receive approval.

(6) REVISION OF AGREEMENT.—The Secretary may revise the agreement once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency which is a party to the agreement.

(7) PROGRESS REPORTS.—Six months before the final date of the schedule, the Secretary shall provide to Congress a written progress report for each navigation project for a port subject to this section. The Secretary shall transmit the report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The report shall summarize all work completed under the agreement and shall include a detailed work program that will assure completion of all remaining work under the agreement.

(8) FINAL DECISION.—Not later than the final day of the schedule, the Secretary shall notify the non-Federal interest of the final decision on the approval of the project and related permits.

(9) REPORT ON TIMESAVINGS METHODS.—Not later than one year after the date of enactment of this Act, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, and local permits for the construction of navigation projects for ports and associated activities. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

(d) NONAPPLICABILITY TO SAINT LAWRENCE SEAWAY.—This section does not apply to any port project for that portion of the Saint Lawrence Seaway administered by the Saint Lawrence Seaway Development Corporation.

SEC. 105. COST SHARING.

(a) GENERAL RULE FOR CONSTRUCTION.—The non-Federal share of the cost of construction of general navigation features, including but not limited to navigation channels and turning basins, for a navigation project for a port shall be the sum of—

(1) the amount required to be paid in cash for such project under subsection (b)(1), plus

(2) the lands, easements, and rights-of-way required to be contributed under subsection (b)(2).

(b) NON-FEDERAL INTERESTS' RESPONSIBILITY FOR CONSTRUCTION.—

(1) PAYMENTS DURING CONSTRUCTION.—The non-Federal interests for a navigation project for a port shall pay, during the period of construction of the project—

(A) in the case of a shallow port, 10 percent of the cost of construction of the project;

(B) in the case of a general cargo port, the sum of—

(i) 10 percent of the cost of construction of the portion of the project which has a depth not in excess of 20 feet; plus

(ii) 25 percent of the cost of construction of the portion of the project which has a depth in excess of 20 feet; and

(C) in the case of a deep-draft port, the sum of—

(i) 10 percent of the cost of construction of the portion of the project which has a depth not in excess of 20 feet; plus

(ii) 25 percent of the cost of construction of the portion of the project which has a depth in excess of 20 feet but not in excess of 45 feet; plus

(iii) 50 percent of the cost of construction of the portion of the project which has a depth in excess of 45 feet.

An amount equal to amounts paid with respect to a project under this paragraph is authorized to be appropriated to the Secretary to carry out such project. Amounts appropriated pursuant to the preceding sentence are in addition to, and not in lieu of, amounts authorized by any other provision of this Act for construction of a project to which this section applies.

(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interests shall provide all lands, easements, and rights-of-way required for a navigation project for a port, except that the value of lands, easements, and rights-of-way required to be provided by non-Federal interests by this paragraph shall not exceed 5 percent of the cost of the project. For purposes of this section, "lands, easements, and rights-of-way" include dredged spoil disposal areas.

(3) FEDERAL RESPONSIBILITY FOR LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—If the Secretary estimates, before the beginning of construction of any navigation project for a port, that the value of all lands, easements, and rights-of-way required for such project, will be a percentage of the cost of such project, which is greater than 5 percent, the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary shall be limited to the amount by which such estimated value exceeds an amount equal to 5 percent of the estimated cost of the project.

(4) FEDERAL REIMBURSEMENT.—If the sum of—

(A) the cash contributed under paragraph (1) with respect to a navigation project, plus

(B) the value of lands, easements, and rights-of-way provided by the non-Federal interests for such project,

exceeds the non-Federal share of the cost of construction of the general navigation features of such project (as determined under subsection (a)), the Secretary shall pay to the non-Federal interests an amount equal to such excess, plus interest from the date of such determination. Such payment shall be subject to the general availability of appropriations for that purpose.

(5) TRANSFER OF LANDS TO NON-FEDERAL INTERESTS.—After completion of a navigation project for a port, the Secretary shall transfer, without consideration, to the non-Federal interests any lands, easements, and rights-of-way acquired by the Secretary under paragraph (3).

(6) INTEREST RATE COMPUTATION FOR FEDERAL REIMBURSEMENT.—The interest rate used for purposes of computing interest under paragraph (4) shall be determined by the Secretary of the Treasury as of the date on which the project is substantially completed and provides the navigation benefits for which such project is designed, as determined by the Secretary. Such interest rate shall be determined on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for 15 years from the date of issue.

(7) Notwithstanding another law, the cost of removal, alteration, and reconstruction of the armor (protective covering) of an existing bridge tunnel attendant to dredging a channel deeper than 45 feet for a port navigation project authorized by this Act or by the Supplemental Appropriations Act, 1985 (Public Law 99-88, 99 Stat. 293) shall be borne by the Secretary.

(8) Notwithstanding another provision of this Act, the non-Federal share for projects for deep-draft ports authorized prior to January 1, 1985 shall be fully credited for the acquisition, construction, and operation of lands, easements, rights-of-way, and dredged spoil disposal sites that were constructed to comply with the terms of the original authorization and related purposes.

(c) OPERATION AND MAINTENANCE.—The Federal share of the cost of operation and maintenance of each navigation project for a port shall be—

(1) in the case of a shallow port, 100 percent;

(2) in the case of a general cargo port, 100 percent; and

(3) in the case of a deep-draft port, an amount equal to the sum of—

(A) an amount equal to 100 percent of the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet, and

(B) an amount equal to 50 percent of the excess of the cost of the operation and maintenance of such project over the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet.

(d) UTILITY RELOCATIONS.—The Federal share of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line the relocation of which is necessary for construction, operation, and maintenance of each navigation project for a port and which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be—

(1) in the case of a shallow port, 50 percent;

(2) in the case of a general cargo port, 50 percent; and

(3) in the case of a deep-draft port, an amount equal to the sum of—

(A) an amount equal to 50 percent of the cost the Secretary determines would be incurred for such relocations if such project had a depth of 45 feet, and

(B) an amount equal to 25 percent of the excess of the cost of such relocations over the cost which the Secretary determines would be incurred for such relocations if such project had a depth of 45 feet.

In the case of any relocation to which the Federal share established by this subsection applies, the non-Federal share shall be paid by the owner of the facility being relocated; except that in the case of a deep-draft port, two-thirds of the non-Federal share shall be paid by such owner and one-third of the non-Federal share shall be paid by the non-Federal interest.

(e) OTHER COSTS.—The Federal share of any cost of a navigation project for a port, including reasonable mitigation measures, for which cost a Federal share is not provided in subsection (a), (b), (c), or (d) of this section, shall be the share of such cost otherwise provided by law.

(f) APPLICABILITY.—This section shall apply to any navigation project for a port authorized by this title (except as provided in subsection (g)) or any other provision of Federal law enacted before, on, or after the date of enactment of this title, except that subsections (a), (b), and (d) shall not apply to any project for which Federal funds have been obligated for actual construction before January 1, 1985.

(g) EXCEPTION.—Subsections (a), (b), (c), and (d) of this section shall not apply to the project for Gowanus Creek Channel, Brooklyn, New York, authorized by section 102 of this title.

SEC. 106. NON-FEDERAL PAYMENTS DURING CONSTRUCTION.

The amount of any non-Federal share of the cost of any navigation project for a port authorized by this title or any other provision of Federal law enacted before, on, or after the date of enactment of this title shall be paid to the Secretary and shall, in the case of the non-Federal share of the cost of construction, be paid on an annual basis during the period of construction, beginning not later than one year after construction is initiated.

SEC. 107. GUARANTEE OF OBLIGATIONS TO FINANCE PORT PROJECTS.

(a) AUTHORITY OF SECRETARY TO GUARANTEE OBLIGATIONS.—On application by the appropriate non-Federal interest and notwithstanding another law, the Secretary may guarantee and enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation issued by a non-Federal interest to finance a navigation project authorized for a port by this title or another law of the United States enacted after the date of enactment of this Act, that is subject to a requirement for non-Federal contribution to the cost of project construction, operation, and maintenance under section 105 of this Act and with respect to which the non-Federal interest elects to construct the project with the approval of the Secretary under section 104 of this Act.

(b) AMOUNT OF GUARANTEES.—The Secretary may guarantee the payment of any obligation in the amount of 90 percent of the principal of that obligation.

(c) FULL FAITH AND CREDIT.—The full faith and credit of the United States Government is pledged to the payment of a guarantee made under this section, including interest as provided for in the guarantee accruing between the date of default on a guaranteed obligation and the payment in full of the amount guaranteed.

(d) REIMBURSEMENT OF CERTAIN INTEREST COSTS.—The Secretary, to the extent provided for in appropriations laws, may reimburse a non-Federal interest for not to exceed one-half of the interest cost incurred by the non-Federal interest on any obligation which is guaranteed under subsection (a) of this section and the interest on which is subject to Federal income taxes, during the period of project construction and until the level of project-derived revenues equals those amounts necessary to make payments of principal and interest on such obligations for the project.

(e) INCONTESTABILITY OF GUARANTEE.—A guarantee made by the Secretary under this section is conclusive evidence of the eligibility of the obligation for that guarantee, and the validity of any guarantee so made is incontestable.

(f) LIMITATION ON AMOUNTS GUARANTEED.—The unpaid principal amount of the obligations which are guaranteed, or for which commitments to guarantee have been entered into, under this section and which are outstanding at any time may not exceed $1,000,000,000.

(g) FEES.—The Secretary shall assess a guarantee fee of not less than one-quarter of 1 percent per year of the average principal amount of a guaranteed obligation outstanding under this section. All amounts received by the Secretary shall be deposited in the Federal Port Navigation Project Financing Fund established by subsection (h) of this section.

(h) FEDERAL PORT NAVIGATION PROJECT FINANCING FUND.—There is established in the Treasury of the United States a fund to be known as the "Federal Port Navigation Project Financing Fund" (hereinafter in this section referred to as the "Fund"), consisting of such amounts as may be deposited in the Fund under subsection (g). Amounts in the Fund shall be available to the Secretary, as provided by appropriation Acts, for making payments under subsection (i) of this section. Amounts in the Fund which are not needed for current withdrawals shall be invested in bonds or other obligations of, or guaranteed as to principal and interest by, the Federal Government.

(i) DEFAULTS.—

(1) DEMAND FOR PAYMENT.—For a default that has continued for thirty days in a payment by the obligor of principal or interest due under an obligation guaranteed under this title—

(A) the Secretary may assume the obligor's rights and duties under the guarantee or agreement related to the guarantee before a demand is made under subparagraph (B) of this paragraph; or

(B) the obligee or the obligee's agent, not later than the period specified in the guarantee or related agreement (but not later than ninety days from the date of the default), may demand payment by the Secretary of the unpaid principal amount of that obligation and the unpaid interest on the obligation to the date of payment, except when the Secretary—

(i) has assumed the obligor's rights under subparagraph (A) of this paragraph and the Secretary has made the payments in default;

(ii) finds there was not a default by the obligor in the payment of principal or interest; or

(iii) finds that the default has been remedied before the demand.

(2) PAYMENT ON GUARANTEES; ISSUANCE OF OBLIGATIONS.—Any amount required to be paid by the Secretary under this section shall be paid in cash from the Fund. If the amounts in the Fund are not sufficient to pay any amount the Secretary is required to pay under this subsection, the Secretary may issue to the Secretary of the Treasury notes or other obligations in any form and denomination, bearing any maturities and subject to any terms and conditions that are prescribed by the Secretary, with the approval of the Secretary of the Treasury. Those notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the Federal Government of comparable maturities during the month preceding the issuance of those notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations to be issued under this paragraph. For that purpose the Secretary of the Treasury may use as a public debt transaction the proceeds from any securities issued under chapter 31 of title 31, United States Code. The purposes for which securities may be issued under that chapter include purchase of those notes and obligations. The Secretary of the Treasury may sell the notes or other obligations acquired by the Secretary of the Treasury under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of those notes or other obligations shall be treated as public debt transactions of the Federal Government. Amounts borrowed under this section shall be deposited in the Fund, and redemptions of those notes and obligations shall be made by the Secretary of the Treasury from the Fund.

(3) ACTIONS BY SECRETARY.—For a default under a guaranteed obligation or a related agreement, the Secretary shall take any action against the obligor or any other liable parties that the Secretary believes is required to protect the interests of the Federal Government. A suit may be brought in the name of the Federal Government or in the name of the obligee, and the obligee shall make available to the Federal Government all records and evidence necessary to prosecute that suit. The Secretary may accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary, and may purchase the property for an amount not to exceed the unpaid principal amount of the obligation and interest thereon. If the Secretary receives, through the sale of property, money in excess of any payment made to an obligee under this section and the expenses of collection of those amounts, the Secretary shall pay that excess to the obligor.

SEC. 108. CONSTRUCTION IN USABLE INCREMENTS.

Any navigation project for a port authorized by this title or any other provision of law enacted before, on, or after the date of enactment of this title may be constructed in usable increments.

SEC. 109. PORT OR HARBOR DUES.

(a) CONSENT OF CONGRESS.—Subject to the following conditions, a non-Federal interest may levy port or harbor dues (in the form of tonnage duties or fees) on a vessel engaged in trade entering or departing from a port and on cargo loaded on or unloaded from that vessel under clauses 2 and 3 of section 10, and under clause 3 of section 8, of article 1 of the Constitution:

(1) PURPOSES.—Port or harbor dues may be levied only in conjunction with a port

navigation project whose construction is complete (including a usable increment of the project) and for the following purposes and in amounts not to exceed those necessary to carry out those purposes:

(A)(i) to reimburse the United States Government for the non-Federal share of construction and operation and maintenance costs of a navigation project for a port under the requirements of section 105 of this Act; or

(ii) finance the cost of construction and operation and maintenance of a navigation project for a port under section 104(b) or 104(c) of this Act, less any reimbursement by the Secretary from the Port Infrastructure Development and Improvement Trust Fund under section 111 of this Act; and

(B) provide emergency response services in the port, including contingency planning, necessary personnel training, and the procurement of equipment and facilities, less any reimbursement by the Secretary from the Port Infrastructure Development and Improvement Trust Fund under section 113 of this Act.

(2) LIMITATION ON PORT OR HARBOR DUES FOR EMERGENCY SERVICE.—Port or harbor dues may not be levied for the purposes described in paragraph (1)(B) of this subsection after the dues cease to be levied for the purposes described in paragraph (1)(A) of this subsection.

(3) GENERAL LIMITATIONS.—(A) Port or harbor dues may be levied only on a vessel entering or departing from a port and its cargo if the vessel—

(i) requires a channel with a depth of more than 14 feet in the case of a port navigation project greater than 14 feet and not greater than 20 feet in depth;

(ii) requires a channel with a depth of more than 20 feet in the case of a port navigation project greater than 20 feet and not greater than 45 feet in depth; and

(iii) requires a channel with a depth of more than 45 feet in the case of a port navigation project in excess of 45 feet in depth.

(B) Port or harbor dues may not be levied in conjunction with a port navigation project on any vessel if that vessel, when fully loaded, could have utilized the port or harbor before construction of such project.

(C) Port or harbor dues may not be levied on a vessel entering or departing from a port and its cargo if the vessel—

(i) is engaged in intraport movement; or

(ii) is owned and operated by the United States Government, a foreign country, a State, or a political subdivision of a country or State, unless engaged in commercial service.

(4) FORMULATION OF PORT OR HARBOR DUES.—Port or harbor dues may be levied only on a vessel entering or departing from a port and its cargo on a fair and equitable basis. In formulating port and harbor dues, the non-Federal interest shall consider—

(A) the direct and indirect cost of construction, operations, and maintenance, and providing the facilities and services under paragraph (1) of this subsection;

(B) the value of those facilities and services to the vessel and cargo;

(C) the public policy or interest served; and

(D) any other pertinent factors.

(5) NOTICE AND HEARING.—(A) Before the initial levy of or subsequent modification to port or harbor dues under this section, a non-Federal interest shall transmit to the Secretary—

(i) the text of the proposed law, regulation, or ordinance that would establish the port or harbor dues, including provisions for their administration, collection, and enforcement;

(ii) the name, address, and telephone number of an official to whom comments on and requests for further information on the proposal are to be directed;

(iii) the date by which comments on the proposal are due and a date for a public hearing on the proposal at which any interested party may present a statement; however, the non-Federal interest may not set a hearing date earlier than 45 days after the date of publication of the notice in the Federal Register required by subparagraph (B) of this paragraph or set a deadline for receipt of comments earlier than 60 days after the date of publication; and

(iv) a written statement signed by an appropriate official that the non-Federal interest agrees to be governed by the provisions of this section.

(B) On receiving from a non-federal interest the information required by subparagraph (A) of this paragraph, the Secretary shall transmit the material required by clauses (i) through (iii) of subparagraph (A) of this paragraph to the Federal Register for publication.

(C) Port or harbor dues may be imposed by a non-Federal interest only after meeting the conditions of this paragraph.

(6) REQUIREMENTS ON NON-FEDERAL INTEREST.—A non-Federal interest shall—

(A) file a schedule of any port or harbor dues levied under this subsection with the Secretary and the Federal Maritime Commission, which the Commission shall make available for public inspection;

(B) provide to the Comptroller General of the United States on request of the Comptroller General any records or other evidence that the Comptroller General considers to be necessary and appropriate to enable the Comptroller General to carry out the audit required under subsection (b) of this section;

(C) designate an officer or authorized representative, including the Secretary of the Treasury acting on a cost-reimbursable basis, to receive tonnage certificates and cargo manifests from vessels which may be subject to the levy of port or harbor dues, export declarations from shippers, consignors, and terminal operators, and such other documents as the non-Federal interest may by law, regulation, or ordinance require for the imposition, computation, and collection of port or harbor dues; and

(D) consent expressly to the exclusive exercise of Federal jurisdiction under subsection (c) of this section.

(b) AUDITS.—The Comptroller General of the United States shall—

(1) carry out periodic audits of the operations of non-Federal interests that elect to levy port or harbor dues under this section to determine if the conditions of subsection (a) of this section are being complied with;

(2) submit to each House of the Congress a written report containing the findings resulting from each audit; and

(3) make any recommendations that the Comptroller General considers appropriate regarding the compliance of those non-Federal interests with the requirements of this section.

(c) JURISDICTION.—(1) The district court of the United States for the district in which is located a non-Federal interest that levies port or harbor dues under this section has original and exclusive jurisdiction over any matter arising out of or concerning, the imposition, computation, collection, and enforcement of port or harbor dues by a non-Federal interest under this section.

(2) On petition of the Attorney General or any other party, that district court may—

(A) grant appropriate injunctive relief to restrain an action by that non-Federal interest violating the conditions of consent in subsection (a) of this section;

(B) order the refund of any port or harbor dues not lawfully collected; and

(C) grant other appropriate relief or remedy.

(d) COLLECTION OF DUTIES.—

(1) DELIVERY OF CERTIFICATE AND MANIFEST.—

(A) UPON ARRIVAL OF VESSEL.—Upon the arrival of a vessel in a port in which the vessel may be subject to the levy of port or harbor dues under this section, the master of that vessel shall, within forty-eight hours after arrival and before any cargo is unloaded from that vessel, deliver to the appropriate authorized representative appointed under subsection (a)(6)(C) of this section a tonnage certificate for the vessel and a manifest of the cargo aboard that vessel or, if the vessel is in ballast, a declaration to that effect.

(B) BEFORE DEPARTURE OF VESSEL.—The shipper, consignor, or terminal operator having custody of any cargo to be loaded on board a vessel while the vessel is in a port in which the vessel may be subject to the levy of port or harbor dues under this section shall, within forty-eight hours before departure of that vessel, deliver to the appropriate authorized representative appointed under subsection (a)(6)(C) of this section an export declaration specifying the cargo to be loaded on board that vessel.

(e) ENFORCEMENT.—At the request of an authorized representative referred to in subsection (a)(6)(C) of this section, the Secretary of the Treasury may:

(1) withhold the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) for a vessel if the master, owner, or operator of a vessel subject to port or harbor dues under this section fails to comply with the provisions of this section including any non-Federal law, regulation or ordinance issued hereunder; and

(2) assess a penalty or initiate a forfeiture of the cargo in the same manner and under the same procedures as are applicable for failure to pay customs duties under the Tariff Act of 1930 (19 App. U.S.C. 1202 et seq.) if the shipper, consignor, consignee, or terminal operator having title to or custody of cargo subject to port or harbor dues under this section fails to comply with the provisions of this section including any non-Federal law, regulation, or ordinance issued hereunder.

(f) MARITIME LIEN.—Port or harbor dues levied under this section against a vessel constitute a maritime lien against the vessel and port or harbor dues levied against cargo constitute a lien against the cargo that may be recovered in an action in the district court of the United States for the district in which the vessel or cargo is found.

SEC. 110. INFORMATION FOR NATIONAL SECURITY.

Any non-Federal interest shall provide the United States the information necessary for military readiness planning and port and national security, including information necessary to obtain national security clearances for individuals employed in critical port positions.

SEC. 111. AUTHORIZATIONS OF APPROPRIATIONS FROM TRUST FUND.

There is authorized to be appropriated from the Port Infrastructure Development and Improvement Trust Fund for fiscal years beginning after September 30, 1985, such sums as may be necessary to make reimbursements under section 104 and to pay the Federal share of the cost of projects authorized by sections 101 and 102 and of navigation projects for ports authorized by any other provision of Federal law enacted before the date of enactment of this title.

SEC. 112. ALTERNATIVES TO MUD DUMP FOR DISPOSAL OF DREDGED MATERIAL.

(a) DESIGNATION OF ALTERNATIVE SITES.—Not later than four years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate one or more sites in accordance with the Marine Protection, Research, and Sanctuaries Act of 1972 for the disposal of dredged material which, without such designation, would be disposed of at the Mud Dump (as defined in subsection (g)). The designated site or si'es shall be located not less than 20 miles nor more than 40 miles from the shoreline. The Administrator, in determining sites for possible designation under this subsection, shall consult with the Secretary and appropriate Federal, State, interstate, and local agencies.

(b) USE OF NEWLY DESIGNATED SITE.—Beginning on the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), any ocean disposal of dredged material (other than acceptable dredged material) by any person or governmental entity authorized pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of dredged material at the Mud Dump on or before the date of such designation shall take place at the newly designated ocean disposal site or sites under subsection (a) in lieu of the Mud Dump.

(c) INTERIM AVAILABILITY OF LAWFUL SITES.—Until the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), there shall be available a lawful site for the ocean disposal of dredged material by any person or governmental entity authorized pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of dredged material at the Mud Dump on or before the date of such designation.

(d) STATUS REPORTS.—Not later than one year after the date of enactment of this Act and annually thereafter until the designation of one or more sites under subsection (a), the Administrator of the Environmental Protection Agency shall submit a report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate describing the status of such designation.

(e) FUTURE USE OF MUD DUMP RESTRICTED TO ACCEPTABLE DREDGED MATERIAL.—Notwithstanding any other provision of law, including any regulation, the Secretary shall ensure that, not later than the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), all existing and future Department of the Army permits and authorizations for disposal of dredged material at the Mud Dump shall be modified, revoked, and issued (as appropriate) to ensure that only acceptable dredged material will be disposed of at such site and that all other dredged material determined to be suitable for ocean disposal will be disposed of at the site or sites designated pursuant to subsection (a) of this section.

(f) DEFINITION OF ACCEPTABLE DREDGED MATERIAL.—For purposes of this section, the term "acceptable dredged material" means rock, beach qualify sand, material excluded from testing under the ocean dumping regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972, and any other dredged material (including that from new work) determined by the Secretary, in consultation with the Administrator, to be substantially free of pollutants.

(g) DEFINITION OF MUD DUMP.—For purposes of this section, the term "Mud Dump" means the area located approximately 5¾ miles east of Sandy Hook, New Jersey, with boundary coordinates of 40 degrees 23 minutes 48 seconds N, 73 degrees 51 minutes 28 seconds W; 40 degrees 21 minutes 48 seconds N, 73 degrees 50 minutes 00 seconds W; 40 degrees 21 minutes 48 seconds N, 73 degrees 51 minutes 28 seconds W; and 40 degrees 23 minutes 48 seconds N, 73 degrees 50 minutes 00 seconds W.

SEC. 113. EMERGENCY RESPONSE SERVICES.

(a) GRANTS.—The Secretary is authorized to make grants to any non-Federal interest operating a project for a port for provision of emergency response services in such port (including contingency planning, necessary personnel training, and the procurement of equipment and facilities either by the non-Federal interest, by a local agency or municipality, or by a combination of local agencies or municipalities on a cost-reimbursable basis, either by a cooperative agreement, mutual aid plan, or mutual assistance plan entered into between one or more non-Federal interests, public agencies, or local municipalities).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Port Infrastructure Development and Improvement Trust Fund for fiscal years beginning after September 30, 1985, such sums as may be necessary to carry out subsection (a) of this section.

SEC. 114. PORT OFFICE AT MORRO BAY, CALIFORNIA.

(a) GRANT.—For reasons of navigation safety, the Secretary is authorized to make a grant to the non-Federal interest operating Morro Bay Harbor, California, for construction of a new port office at such harbor.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Port Infrastructure Development and Improvement Trust Fund for fiscal years beginning after September 30, 1985, such sums as may be necessary to carry out subsection (a) of this section.

SEC. 115. DEFINITIONS.

For purposes of this title—

(1) the term "deep-draft port" means a port which is authorized to be constructed to a depth of more than 45 feet (other than a port for which a project is authorized by section 102 of this title);

(2) the term "general cargo port" means a port for which a project is authorized by section 102 of this title and any other port which is authorized to be constructed to a depth of more than 20 feet but not more than 45 feet;

(3) the term "non-Federal interest" has the meaning such term has under section 221 of the Flood Control Act of 1970;

(4) the term "port" means (A) any port or channel in the United States with a depth authorized by law of more than 14 feet, including any channel administered by the Saint Lawrence Seaway Development Corporation and any channel connecting the Great Lakes, and (B) any lock or other improvement on any such channel; except that such term does not include an entrance channel providing access solely to a harbor with an authorized depth of fourteen feet or less and does not include the Bonneville Lock and Dam project on the Columbia River;

(5) the term "shallow port" means any port which is authorized to be constructed to a depth of not more than 20 feet; and

(6) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

SEC. 116. SHORT TITLE.

This title may be cited as the "Port Development and Navigation Improvement Act of 1985".

AMENDMENTS OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer the amendments in bloc made in order under the rule.

The Clerk read as follows:

Amendments offered by Mr. ROE: At the end of title XI, add the following new section:

SEC. 1199k. (a) The Secretary shall make a grant of $50,000, subject to an appropriation for that purpose, to the Governor of the State of Florida for the establishment of a Miami River Management Commission to develop a comprehensive plan for improving the water quality of the Miami River, Florida, and its tributaries and managing all activities which affect the water quality and use of such river and tributaries. The commission shall be composed of seven members appointed by the Governor.

(b) There is authorized to be appropriated to carry out this section $50,000 for fiscal years beginning after September 30, 1985.

Page 3, line 21, after the period insert the following: "Notwithstanding section 105(d) of this Act, the cost of any relocations described in such section which are necessary for construction of such project shall be at full Federal expense.".

Page 6, line 3, after "Service," insert "the National Marine Fisheries Service,"

Page 8, line 15, strike out "65" and insert in lieu thereof "70".

Page 11, strike out line 9 and all that follows through line 2 on page 12 and insert in lieu therof the following:

KILL VAN KULL AND ARTHUR KILL, NEW YORK AND NEW JERSEY

The project (1) for navigation, Kill Van Kull and Newark Bay Channels, New York and New Jersey: Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of $260,000,000, and (2) for navigation, Arthur Kill, New York and New Jersey: Draft report of the District Engineer for New York, dated May 1983, except that such project shall extend the Arthur Kill Channel at a depth of 40 feet to the Fresh Kills in Carteret, New Jersey, and such easing of bends as the Secretary determines are necessary to enhance navigation, at an estimated cost of $85,000,000. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall

be made for the acquisition of any interest in real property for, or the actual construction of, the project described in clause (1) if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The project described in clause (2) shall include any modifications that may be recommended by the Secretary with respect to such project under section 103 of this Act.

Page 16, line 17, strike out "$60,000,000" and insert in lieu thereof "$145,000,000".

Page 35, after line 23, insert the following:

(9) Notwithstanding any other provision of law, the Secretary shall not collect fees or other charges from non-Federal interests for the disposal of dredge material resulting from the construction, operation, or maintenance of any project authorized by this Act into the Craney Island dredge disposal facility, Virginia.

Page 38, line 12, insert "(1)" after "to".

Page 38, line 14, strike out the period and insert in lieu there of the following: ", (2) the construction or modification of the four anchorages authorized as part of the Channel to Newport News, Norfolk Harbor, and Thimble Shoal Channel, Virginia, project, authorized by the Rivers and Harbors Act of 1965, and (3) the construction of the anchorage authorized as part of the project for navigation, Norfolk Harbor and Channels, Virginia, authorized by section 101 of this Act.".

Page 66, line 2, after the period insert the following: "The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1978, and before the date of the enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.".

Page 68, after line 12, insert the following:

RIO PUERTO NUEVO, PUERTO RICO

This project for flood control, Rio Puerto Nuevo, Puerto Rico: Report of the Board of Engineers for Rivers and Harbors, dated September 4, 1985, at an estimated cost of $180,000,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

Page 104, strike out lines 3 through 12.

Page 104, line 13, strike out "(2)" and insert in lieu thereof "(m)".

Page 93, strike out line 15 and all that follows through line 8 on page 95 and insert in lieu thereof the following:

The project for flood control, Santa Ana River Mainstem, including Santiago Creek, California: Report of the Chief of Engineers, dated January 15, 1982, and as modified by the Report of the District Engineer, dated September, 1985, at an estimated cost of $1,100,000,000, including such measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall study (1) the feasibility and environmental impact including conservation storage at the end of the winter storm season at Prado Dam as a project purpose, (2) the effects of such storage on recreation and leasehold interests at Prado Reservoir and on riparian rights downstream of such dam, and (3) any water supply benefits associated with such storage. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study. The right-of-way taking line for Prado Reservoir shall be limited to elevation 566 feet. Funds may be appropriated to the Environmental Protection and Mitigation Fund pursuant to Section 1104 of this Act and to the construction fund for engineering and acquisition of real property. Actual physical construction of the project may commence upon adoption of resolutions of agreement for said construction by the non-federal sponsoring agencies. Any relocation of the Talbert Valley Channel undertaken in connection with the project shall be constructed with a channel capacity sufficient to accommodate a 100-year flood.

Page 99, line 3, after the period insert the following: "The Secretary is authorized to undertake reasonable measures for mitigation of fish and wildlife losses in connection with the measures undertaken under this paragraph.".

Page 99, line 9, after the period insert the following: "The Secretary is authorized to accept funds from a project co-sponsor in connection with construction of such project.".

Page 115, after line 2, insert the following:

SEC. 308. The Secretary shall include as part of the non-Federal contribution of the project for flood control, Fairfield Vicinity Streams, California, authorized in accordance with section 201 of the Flood Control Act of 1965, the cost of any work carried out by non-Federal interests on the project after December 31, 1973, and before the date of the enactment of this Act, if the Secretary determines such work is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

Page 115, after line 21, insert the following:

ORCHARD BEACH, NEW YORK

The project for beach erosion control, Orchard Beach, New York: Draft Report of the District Engineer, New York District, dated July 1985, at an estimated cost of $2,480,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

Page 119, after line 20, insert the following:

PINELLAS COUNTY, FLORIDA

The project for beach erosion control for Pinellas County, Florida: Report of the Board of Engineers for Rivers and Harbors, dated April 23, 1985, at an estimated cost of $14,000,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

Page 124, line 24, after the period insert the following: "In addition, the Secretary is authorized and directed to conduct necessary reconnaissance studies and feasibility studies on extending such project from Lawrence, Massachusetts, to Haverhill, Massachusetts, and from Haverhill, Massachusetts, to the mouth of the Merrmack River.".

Page 129, line 14, after the second comma insert the following: "except that such project shall be constructed, operated, and maintained at full Federal expense,".

Page 141, strike out lines 3 through 6.

Page 152, line 4, after the period insert the following: "In addition, for the purpose of providing improved flood protection, the Secretary, on an emergency basis, shall alter Beatties Dam in Little Falls, New Jersey, by installation of flood gates or make other improvements to such dam and shall remove the existing rock shelf in the vicinity of such dam, at an estimate cost of $15,000,000.".

Page 168, line 25, strike out "consisting" and all that follows through the period on line 4 of page 169 and insert in lieu thereof the following: "consisting of one or more of the reclamation project alternatives (other than the ocean outfall alternative) included in the Final Environmental Impact Report, Sonoma County Wastewater Reclamation Project, adopted by the Sonoma County Board of Supervisors, April 21, 1981, that the Secretary considers appropriate, at an estimated cost of $150,000,000. Such project shall only be constructed after consultation with affected local governments.".

Page 173, line 3, after "of" insert "the Virgin Islands,".

Page 173, line 8, strike out "four" and insert in lieu thereof "five".

Page 173, line 19, after the period insert the following: "Any funds made available under this section for a study for any such jurisdiction which is not needed for such study shall be available to the Secretary to construct authorized water resources projects in such jurisdiction and to implement the findings of such study.".

Page 176, line 19, strike out "in response to" and insert in lieu thereof "subsequent to".

Page 186, after line 24, insert the following:

(d) Notwithstanding any other provision of law (including the Water Supply Act of 1958), the Secretary may not enter into any contract for the sale of storage to be reassigned to water supply in any water resource project under the jurisdiction of the United States that is not based on—

(1) repayment of the portion of the original construction cost of such project, including interest during construction that has been reallocated to water supply, and

(2) the interest accrued on the construction cost from the date of construction to the date of such reallocation,

until completion of the study under this section and enactment of a law after the date of enactment of this Act which authorizes the Secretary to enter into such a contract. The interest rate during construction and accrued construction cost interest shall be determined by the Secretary of the Treasury for the fiscal year in which construction of such project was initiated.

At the end of title V, add the following new section:

SEC. 542. The Secretary is authorized to take such measures as may be necessary to maintain a harbor of refuge in Port Ontario, Sandy Creek, New York. Non-Federal interests shall provide a public wharf and such other facilities as may be necessary for a harbor of refuge which shall be open to all on equal terms and such other requirements as the Secretary deems necessary.

Page 192, line 8, strike out "restore" and insert in lieu thereof "construct".

Page 193, line 23, strike out "$425,000" and insert in lieu thereof "$1,600,000".

Page 204, line 25, after "River" insert "and take such other actions as may be necessary".

Page 205, line 6, after the period insert the following: "The Secretary is authorized and directed to conduct further study and design on such project.".

Page 209, line 1, strike out "to" and all that follows through "facility," on line 4 and insert in lieu thereof "to dredge the modified harbor area,".

At the end of title VI, add the following new section:

SEC. 631. (a) The Secretary shall conduct a feasibility study on providing flood protection along the James River, South Dakota.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study together with such recommendations as the Secretary determines to be appropriate.

Page 213, strike out line 23 and all that follows through line 2 on page 214 and insert in lieu thereof the following: "Secretary to dredge and maintain a 250-foot wide channel in the Upper Newport Bay to the boundary of the Upper Newport Bay State Ecological Preserve to a depth of 15 feet mean lower low water, and to deepen the channel in the existing project below the Pacific Coast Highway bridge to a depth of 15 feet mean lower low water, at an estimated cost of $2,500,000.".

Page 220, line 6, after the period insert the following: "The Secretary is authorized to reimburse the non-Federal interest for the cost of the dredging and maintenance incurred by the non-Federal interest in advance of this modification if the Secretary determines that such work is reasonably compatible with the project.".

Page 226, after line 23, add the following new section:

SEC. 782. The project for Fishtrap Lake, Pike County, Kentucky, authorized as part of the flood control project for the Ohio River Basin by section 4 of the Flood Control Act approved June 28, 1938 (52 Stat. 1217), is modified to authorize the Secretary, notwithstanding the completion of such project in 1968, to acquire by purchase any property in the drainage area for Fishtrap Lake, Kentucky, which is being used as a residence and any property in such drainage area which is being used as a cemetery and to relocate the owners of any property so acquired and any cemetery so acquired.

Page 226, after line 23, insert the following:

SEC. 782. The Sabine River channel of the Sabine-Neches Waterway, Texas, authorized by the River and Harbor Act of 1954, is modified to authorize an extension of such channel at a depth of 30 feet and a width of 200 feet, from its present upstream terminus opposite Green Avenue in Orange, Texas, generally following the present river alignment a distance of approximately one and one-quarter miles to a point opposite Little Cypress Bayou.

At the end of title VII, insert the following new section:

SEC. 782. The project for flood control, Clarks Hill Reservoir, Savannah River Basin, Georgia and South Carolina, authorized by the Flood Control Act approved December 22, 1944, is modified to include recreation and fish and wildlife management as project purposes. Project lands which are managed or reserved as of the date of the enactment of this section for the conservation, enhancement, or preservation of fish and wildlife and for recreation shall be considered as lands necessary for such purposes.

At the end of title VII, insert the following new section:

SEC. 782. The project for flood control, Red Rock Dam and Lake, Iowa, authorized by the Flood Control Act approved June 28, 1938, is modified to authorize the Secretary—

(1) to acquire by purchase fee simple interest in real property, and

(2) to acquire additional flowage easements in real property,

Which is subject to periodic flooding in connection with the operation of the project.

At the end of title VII of the bill, insert the following new section:

SEC. 782. The project for navigation, Cape Charles City Harbor, Virginia, authorized by the River and Harbor Act approved March 2, 1945 (59 Stat. 15), is modified to provide that the local interests shall not be required—

(1) to provide bulkheads, or

(2) to reserve berthing space for general public use,

along a greater distance of the shoreline than such bulkheads are provided or such berthing space is reserved on the date of the enactment of this Act.

Page 226, after line 23, insert the following:

SEC. 782. The project for navigation, East Chester Creek, New York, authorized by the River and Harbor Act of 1950, is modified to provide that the Secretary, out of any amounts made available to the Secretary for operation and maintenance of water resources projects, shall dredge within two years after the date of the enactment of this Act, and maintain thereafter, the Y-shaped portion of such project, at an estimated cost of $500,000.

Page 286, strike out lines 15 through 17.

At the end of title IX, add the following new section:

SEC. 916. The Patoka Reservoir, Wabash River, Indiana, authorized by the Flood Control Act of 1965 shall hereafter be known and designated as the "Vance Hartke Reservoir". Any law, regulation, document, or record of United States in which such reservoir is referred to shall be held to refer to such reservoir as the "Vance Hartke Reservoir".

At the end of title IX, add the following new section:

SEC. 916. The Stinson Creek Recreation Area which is to be constructed by the Army Corps of Engineers as part of the Columbus Lake portion of the Tennessee-Tombigbee Waterway project and which is located in Lowndes County, Mississippi, shall hereafter be known and designated at the "DeWayne Hayes Recreation Area". Any law, regulation, document, or record of the United States in which such recreation area is referred to shall be held to refer to such recreation area as the "DeWayne Hayes Recreation Area".

Page 256, strike out lines 11 through 13.

Page 260, strike out lines 15 through 19.

Page 264 after line 9, insert the following:

That portion of the project for navigation, Tampa Harbor and Hillsborough Bay, Florida, authorized by the Act of August 8, 1917, which portion consists of the turning basin at the junction of Garrison Channel, Seddon Channel, and Hillsborough River.

Page 265, strike out lines 17 through 19.

Page 269, strike out lines 4 through 6.

Page 269, strike out lines 16 through 22.

Page 287, strike out lines 12 through 16.

Page 299, strike out lines 3 and 4.

Page 306, strike out lines 9 through 11.

Page 309, after line 20 insert the following:

(c) The interest rate used for purposes of analyzing the costs and benefits of any water resources project for which an agreement under section 215 of the Flood Control Act of 1968 has been entered into before the date of the enactment of this Act shall be the applicable interest rate at the time such agreement was entered into.

Page 323, line 13, strike out "2,400" and insert in lieu thereof "2,500".

Page 325, line 17, after the period insert the following: "Such approval shall not constitute authorization of any recommendation contained in such master plan.".

Page 326, after line 13, insert the following:

(3) For the purpose of ensuring the coordinated planning and implementation of of programs authorized under subsections (e) and (h)(2) of this section, the Secretary shall enter into an interagency agreement with the Secreatary of the Interior to provide for the direct participation of the Fish and Wildlife Service and any other agency or bureau in the Department of the Interior in the planning, design, implementation, and evaluation of such programs.

Page 326, line 14, strike out "(3)" and insert in lieu thereof "(4)".

Page 326, line 20, after "recommendations" insert "and offer other recommended changes to the master plan".

Page 326, line 22, after "comments" insert "and other recommended changes".

Page 326, line 23, after "comments" insert "and other recommended changes".

Page 327, line 1, after "with" insert "the Secretary of the Interior and".

Page 327, line 14, after "with" insert "the Secretary of the Interior and".

Page 328, strike out line 18 and all that follows through line 2 on page 329.

Page 329, line 3, strike out "(7)" and insert in lieu thereof "(6)".

Page 329, line 11, after "Secretary" insert ", in consultation with any such agency,".

Page 330, line 1, before "any agency" insert "the Secretary of Transportation and".

Page 330, line 13, after "with" insert "the Secretary of the Interior and".

Page 330, lines 22 and 23, strike out "for each of the ten fiscal years beginning after the date of the enactment of this Act".

Page 331, strike out lines 10 through 18.

Page 331, line 19, strike out "(2)" and insert in lieu thereof "(j)".

Page 331, line 20, strike out "paragraph (1) of this subsection," and insert in lieu thereof "subsection (d)(3) of this section,".

Page 332, after line 3, insert the following:

(k) Any sum authorized to be appropriated for a specific fiscal year by this subsection but not appropriated during such fiscal year is authorized to be appropriated for succeeding fiscal years until such sum has been appropriated. Any funds appropriated to carry out this section shall remain available until expended.

(l) This section may be cited as the "Upper Mississippi River Management Act of 1985".

Page 358, line 22, strike out the comma and all that follows through the period on line 24 and insert in lieu thereof a period.

Page 359, line 1, strike out "Hydroelectric" and all that follows through the period on line 4 and insert in lieu thereof the following: "The Secretary shall include in this study funds appropriated by previous Congresses, as well as any funds appropriated by the 99th Congress, as sunk costs.".

Page 359, line 19, after the period insert the following: "As part of such study the

Secretary shall consider appropriate measures to increase reliance on the private sector in the conduct of the water resources program of the Corps of Engineers.".

Page 359, line 20, strike out "such capabilities" and insert in lieu thereof "the capabilities referred to in the first sentence of this section".

Page 360, line 25, strike out "to" and all that follows through the period on line 3 on page 361 and insert in lieu thereof the following: "may be used to pay the non-Federal share of any other Federal grant-in-aid program.".

Page 395, line 9, after "jurisdiction" insert "or by a regulated public utility".

Page 396, lines 14 and 15, strike out "the purchase" and all that follows through the period on line 23 and insert in lieu thereof "$32,000,000.".

Page 397, strike out line 11 and insert in lieu thereof the following:

(g) Subsection (b) shall become effective on the earlier of—

(1) the 90th day following the date on which the Governor of the State of Florida certifies to the Secretary that such State has met the conditions set forth in subsection (h) unless the Secretary determines within such 90-day period that the State has not met such conditions; or

(2) the date of the final order in any action commenced by such State in a Federal district court for such State which includes a finding that such State has met such conditions.

(h) In order for subsection (b) to become effective the following conditions must first be met:

Page 397, line 25, after "such State" insert "or the Canal Authority of such State".

At the end of title XI of the bill, add the following new section:

SEC. 1199K. The Secretary shall remove from the Miami River and Seybold Channel in Miami, Florida, between the mouth of the Miami River and the salinity control structure of 36th Street, any abandoned vessels and any vessels under the control of the United States by reason of their seizure or forfeiture. The Secretary shall enter into an interagency agreement to facilitate the removal of any vessel under the control of the United States with the head of any Federal department, agency, or instrumentality which has control of such vessel.

At the end of title XI, add the following new section:

SEC. 1199K. The Secretary is authorized to undertake streambank erosion protection measures in Illinois along the Ohio River, from the mouth of the Ohio River to Uniontown Dam, and along the Wabash River, from the mouth of the Wabash River to its confluence with the Little Wabash River.

Page 399, after line 5, insert the following:

SEC. 1199K. Any funds appropriated after the date of the enactment of this Act to complete the Brewerton Extension of the Baltimore Harbor and Channels (connecting channels to the Chesapeake and Delaware Canal), authorized by the River and Harbor Act of 1958, which are not needed to complete such project because of savings resulting from the redesign of the project shall be used to carry out maximum maintenance dredging of the Inland Waterway from the Delaware River to the Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal), authorized by the River and Harbor Act of 1954.

At the end of title XI, add the following new section:

SEC. 1199K. Section 88(c) of the Water Resources Development Act of 1974 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", except for encroachments which are transportation facilities or other public facilities and which do not significantly change the flood plain boundaries or significantly reduce the capability for recreation of such areas.".

At the end of title XI, add the following new section:

SEC. 1199K. The Secretary is authorized to construct necessary repairs on the Marsh Creek Bridge near Foster Joseph Sayers Lake, Centre County, Pennsylvania, at an estimated cost of $47,000.

Page 399, after line 5, insert the following:

SEC. 1199K. That portion of the waterway in which is located Dark Head Creek in the community of Middle River, Baltimore County, Maryland, lying northwest of a line extending south 68 degrees 37 minutes 56 seconds west from a point (227.50 feet from the northeast corner of the existing bulkhead and pier line) whose coordinates in the Maryland State Coordinate System are north 544967.24 and east 962701.05 (latitude north 39 degrees 19 minutes 42 seconds and longitude west 76 degrees 25 minutes 29.5 seconds) and thence south 44 degrees 48 minutes 20 seconds west, 350.12 feet to a point (at the southwest corner of the existing bulkhead and pier line) whose coordinates in the Maryland State Coordinate System are north 544635.94 and east 962242.46 (latitude north 39 degrees 19 minutes 39 seconds and longitude west 76 degrees 25 minutes 35.4 seconds), is declared to be a nonnavigable water of the United States for purposes of the navigation servitude.

(b) The line described in subsection (a) shall be established as a combined pierhead and bulkhead line of Dark Head Creek.

(c) Any project heretofore authorized by any Act of Congress, insofar as such project is within the boundaries of Dark Head Creek as described in subsection (a), is not authorized after the date of enactment of this Act.

(d) The right to alter, amend, or repeal this section is hereby expressly reserved.

Page 399, after line 5, insert the following:

SEC. 1199K. (a) Notwithstanding any other provision of law, if the agreement described in subsection (b) is executed by all parties described in subsection (b), the Cherokee Nation of Oklahoma may design and construct hydroelectric generating facilities (described in the report of the Chief of Engineers dated December 23, 1981) at the W.D. Mayo Lock and Dam on the Arkansas River in Oklahoma, in conformance with design and construction standards established by the Secretary.

(b) The Secretary and the Secretary of Energy shall enter into a binding agreement with the Cherokee Nation of Oklahoma under which—

(1) the Cherokee Nation of Oklahoma agrees—

(A) to design and initiate construction of the generating facilities referred to in subsection (a) within three years after the date of such agreement;

(B) to reimburse the Secretary for the costs incurred in—

(i) approving such design and inspecting such construction, and

(ii) providing any assistance authroized under subseciton (c) (2); and

(C)(i) to release the Federal Government from any claim or cause of action which may arise from such design or construction, and

(ii) to indemnify the Federal Government from any liability which may arise from such design or construction;

(2) the procedures and requirements for approval and acceptance of such design and construction are set forth;

(3) the rights, responsibilities, and liabilities of each party to the agreement are set forth; and

(4) the amount of the payments under subsection (g), and the procedures under which such payments are to be made, are set forth.

(c)(1) No Federal funds may be expended for the design or construction of the generating facilities referred to in subsection (a) before the date on which title to such facilities are accpted by the Secretary under subsection (e).

(2) Notwithstanding any other provision of law, the Secretary may provide, on a reimbursable basis, any assistance requested by the Cherokee Nation of Oklahoma in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) The Secretary is authorized—

(1) to approve the design of the generating facilities referred to in subsection (a), and

(2) to inspect (as may be necessary) the construction of such facilities.

(e) Notwithstanding any other provision of law, upon completion of the construction of the generating facilities referred to in subsection (a) and final approval of such facilities by the Secretary—

(1) the Cherokee Nation of Oklahoma shall transfer title to such facilities to the United States; and

(2) the Secretary shall—

(A) accept the transfer of title to such generating facilities on behalf of the United States, and

(B) operate and maintain such facilities.

(f) The Southwestern Power Administration shall market the power produced by the generating facilities referred to in subsection (a) in accordance with seciton 5 of the Act of December 22, 1944 (58 Stat. 890; 16 U.S.C. 825s).

(g) Notwithstanding any other provision of law, the Secretary of Energy may pay to the Cherokee Nation of Oklahoma, in accordance with the terms of the agreement entered into under subsection (b), out of the revenues from the sale of power produced by the generating facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southwestern Power Administration—

(1) all of the costs incurred by the Cherokee Nation of Oklahoma in the design and construction of the generating facilities referred to in subsection (a), including the capital investment in such facilities and interest on such capital investment; and

(2) for a period not to exceed 50 years, a reasonable annual royalty for the design and construction of the generating facilities referred to in subsection (a).

(h) Notwithstanding any other provision of law, the Secretary of Energy may—

(1) construct such transmission facilities as necessary to market the power produced at the generating facilities referred to in subsection (a) with funds contributed by non-Federal sources; and

(2) repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by the generating facilities of the interconnected systems of reservoirs operat-

ed by the Secretary and marketed by the Southwestern Power Administration.

(i) As used in this section, the term "Secretary of Energy" means the Secretary of Energy, acting through the Southwestern Power Administration.

(j) There are authorized to be appropriated for the fiscal year in which title to the generating facilities is transferred and accepted under subsection (e), and for each succeeding fiscal year, such sums as may be necessary to operate and maintain such facilities and to market the power from such facilities.

Page 399, after line 54, insert the following:

SEC. 1199K. The Secretary of the Interior, acting through the Fish and Wildlife Service, is authorized and directed to sell surplus water which may be available at the Devil's Kitchen Lake project, Illinois, for municipal use to the city of Marion, Illinois, on such terms and at such rates as such Secretary determines to be reasonable based upon comparable rates in the area of southern Illinois.

Page 399, after line 5, insert the following new section:

SEC. 1199K. The property described in subsection (b) of this section is declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States.

(b) The property referred to in subsection (a) of this section consists of the following two parcels of land:

(1) All that piece or parcel of land, containing 120.54 acres, situate, lying and being in the city of Jersey City, Hudson County, State of New Jersey, upon or around that certain lot or piece of land known as the Caven Point Area, being more particularly described as follows:

Beginning at a point in the southeasterly right-of-way line of Caven Point Road, said point being the southwesterly corner of a tract of land owned now or formerly by Tankport Terminals, Inc.;

thence along the southwesterly line of the aforesaid tract of land south 52 degrees 39 minutes 04 seconds east, a distance of 733.07 feet to a point, said point being marked by a found galvanized nail set in concrete;

thence along lands now or formerly of the State of New Jersey (Department of Environmental Protection) south 27 degrees 13 minutes 11 seconds east, a distance of 364.72 feet to a point, said point being marked by a found monument;

thence still along said lands south 54 degrees 22 minutes 11 seconds west, a distance of 155.40 feet to a point, said point being marked by a found monument;

thence still along said lands south 13 degrees 06 minutes 47 seconds east, a distance of 197.51 feet to a found monument;

thence still along said lands south 11 degrees 10 minutes 08 seconds east, a distance of 202.01 feet to a point in the center of Caven Creek;

thence along the centerline of Caven Creek in a general northeasterly direction the following ten courses:

north 72 degrees 56 minutes 02 seconds east, a distance of 0.67 feet;

north 62 degrees 23 minutes 54 seconds east, a distance of 7.44 feet;

north 64 degrees 27 minutes 24 seconds east, a distance of 14.20 feet;

north 68 degrees 20 minutes 06 seconds east, a distance of 9.14 feet;

north 66 degrees 13 minutes 24 seconds east, a distance of 44.49 feet;

north 65 degrees 55 minutes 31 seconds east, a distance of 18.62 feet;

north 52 degrees 14 minutes 36 seconds east, a distance of 32.36 feet;

north 47 degrees 53 minutes 41 seconds east, a distance of 33.25 feet;

north 52 degrees 44 minutes 00 seconds east, a distance of 18.17 feet;

north 63 degrees 21 minutes 24 seconds east, a distance of 5.62 feet;

thence still along a new line south 04 degrees 53 minutes 00 seconds west, a distance of 141.80 feet to a point;

thence still along a new line south 10 degrees 11 minutes 02 seconds east, a distance of 203.89 feet to a point;

thence still along a new line south 04 degrees 53 minutes 00 seconds west, a distance of 350.00 feet to a point;

thence still along a new line south 02 degrees 42 minutes 32 seconds east, a distance of 410.00 feet to a point;

thence still along a new line south 19 degrees 14 minutes 44 seconds east, a distance of 105.40 feet to a point;

thence still along a new line south 05 degrees 44 minutes 29 seconds east, a distance of 151.21 feet to a point;

thence still along a new line south 09 degrees 29 minutes 34 seconds east, a distance of 270.90 feet to a point;

thence still along a new line south 0 degrees 45 minutes 47 seconds east, a distance of 224.44 feet to a point;

thence still along a new line south 06 degrees 49 minutes 07 seconds west, a distance of 123.96 feet to a point;

thence still along a new line south 22 degrees 04 minutes 07 seconds west, a distance of 531.58 feet to a point in the southerly edge of an existing 41.30 foot wide concrete pier;

thence south 44 degrees 26 minutes 38 seconds west, a distance of 6.87 feet to a point;

thence north 47 degrees 47 minutes 04 seconds west, a distance of 231.00 feet to a point;

thence south 44 degrees 16 minutes 49 seconds west, a distance of 26.34 feet to a point;

thence along the northeasterly line of lands now or formerly of the United States Government (Caven Point Marine Base) north 45 degrees 30 minutes 22 seconds west, a distance of 1,000.000 feet to a point;

thence along the northwesterly line of lands now or formerly of the United States Government (Caven Point Marine Base) south 43 degrees 36 minutes 47 seconds west, a distance of 100.00 feet to a point in the northeasterly line of an existing 100 foot sewer easement granted to the City of Jersey City (Richard Street Sewer) as set forth in Deed Book 1402, Page 449;

thence along the same north 45 degrees 37 minutes 46 seconds west, a distance of 553.25 feet to an angle point;

thence still along said sewer easement line north 14 degrees 24 minutes 21 seconds west, a distance of 195.88 feet to a point, said point being the intersection of the sewer line with the projection of the northeasterly line of the above mentioned lands now or formerly of the United States Government (Caven Point Marine Base);

thence along said projected new line north 45 degrees 30 minutes 22 seconds west, a distance of 186.13 feet to a point;

thence along a new line north 88 degrees 14 minutes 02 seconds west, a distance of 1,184.70 feet to a point;

thence along lands now or formerly of the Trustee of the Lehigh Valley Railroad north 49 degrees 07 minutes 25 seconds west, a distance of 340.40 feet to a point in the southeasterly right-of-way line of Route 185;

thence along a new line north 54 degrees 19 minutes 18 seconds east, a distance of 253.59 feet to a point;

thence still along the same north 54 degrees 53 minutes 41 seconds east, a distance of 100.00 feet to a point;

thence still along the same north 54 degrees 19 minutes 18 seconds east, a distance of 395.99 feet to a point;

thence still along the same south 86 degrees 50 minutes 15 seconds east, a distance of 177.10 feet to a point;

thence still along the same south 45 degrees 31 minutes 04 seconds east, a distance of 57.24 feet to a point;

thence still along the same north 44 degrees 28 minutes 56 seconds east, a distance of 50.00 feet to a point;

thence still along the same north 05 degrees 16 minutes 41 seconds east, a distance of 210.44 feet to a point;

thence still along the same north 54 degrees 19 minutes 18 seconds east, a distance of 444.08 feet to a point;

thence still along the same north 53 degrees 44 minutes 55 seconds east, a distance of 100.00 feet to a point;

thence still along the same north 54 degrees 19 minutes 18 seconds east, a distance of 233.24 feet to a point of tangency;

thence still along the same and along a curve to the left having a radius of 10,061.00 feet, an arc distance of 100.61 feet to a point of compound curvature;

thence still along the same and along a curve to the left having a radius of 4,061.00 feet, an arc distance of 50.76 feet to a point of compound curvature;

thence still along the same and along a curve to the left having a radius of 2,661.00 feet, an arc distance of 102.35 feet to a point of compound curvature;

thence still along the same and along a curve to the left having a radius of 2,061.00 feet, an arc distance of 428.08 feet to a point in the southwesterly line of Caven Point Road;

thence still along the same south 52 degrees 42 minutes 47 seconds east, a distance of 48.66 feet to an angle point;

thence still along the same south 37 degrees 17 minutes 13 seconds east, a distance of 50.00 feet to an angle point;

thence still along the same south 52 degrees 42 minutes 47 seconds east, a distance of 47.22 feet to an angle point;

thence still along the same north 31 degrees 21 minutes 52 seconds east, a distance of 359.61 feet to the point and place of beginning.

(2) All that piece or parcel of land, containing 18 acres more or less, situate on the northwesterly side of New Jersey State Highway Route 185, more particularly described as follows:

Beginning at a point in the southeasterly right-of-way line of lands now or formerly of Lehigh Valley Railroad Company (Natinal Docks Branch), said point being the intersection of said line with the southwesterly lines (if projected) of lands now or formerly of the United Sates Government (Caven Point Army Trminal);

thence south 45 degrees 37 minutes 46 seconds east along said southwesterly line of U.S. Government property 830.84 feet to a point in the northwesterly right-of-way line of New Jersey State Highway Route 185;

thence along the same line south 44 degrees 28 minutes 56 seconds west along a line 39.06 feet to a point;

thence along the same line south 05 degrees 16 minutes 48 seconds west along a line 210.45 feet to a point;

thence along the same line south 54 degrees 19 minutes 18 seconds west along a line 427.65 feet to a point;

thence along the same line south 53 degrees 44 minutes 55 seconds west along a line 100.00 feet to a point;

thence along the same line south 54 degrees 19 minutes 18 seconds west, along a line 182.76 feet to a point of intersection with a northeasterly line of land now or formerly of the trustee of the Lehigh Valley Railroad;

thence north 49 degrees 07 minutes 25 seconds west along said line and also along lands now or formerly of the Linden urban Renewal Association 724.48 feet to a point in the aforesaid southeasterly right-of-way of the Lehigh Valley Railroad Company;

thence north 37 degrees 13 minutes 52 seconds east along the same line 953.84 feet to the point or place of beginning.

Page 399, after line 5, insert the following:

SEC. 1199K. (a) The Secretary may enter into a contract providing for the payment or recovery of an appropriate share of the costs of a project under his responsibility with a Federal Project Repayment District or other political subdivision of a State prior to the construction, operation, improvement, or financing of such project. The Federal Project Repayment District shall include lands and improvements which receive identifiable benefits from the construction or operation of such project. Such districts shall be established in accordance with State law, shall have specific boundaries which may be changed from time to time based upon further evaluations of benefits, and shall include the power to collect a portion of the transfer price from any transaction involving the sale, transfer, or change in beneficial ownership of lands and improvements within the district boundaries.

(b) Cost recovery pursuant to the provisions of this section shall be deemed to meet cost recovery requirements of other provisions of Federal law if the economic study required by subsection (c) of this section demonstrates that income to the Federal Government equals or exceeds that required over the term of repayment required by that cost recovery provision.

(c) Prior to execution of an agreement pursuant to subsection (a) of this section, the Secretary shall require and approve a study from the State or political subdivision demonstrating that the revenues to be derived from a contract under this section, or an agreement with a Federal Project Repayment District, will be sufficient to equal or exceed the cost recovery requirements over the term of repayment required by Federal law.

(d) The Secretary is authorized to participate with appropriate non-Federal sponsors in a project to demonstrate the feasibility of non-Federal cost sharing for ports and harbors under the provisions of subsections (a) through (c). Such project shall consist of the project for navigation, flood control, and protection of the Seal Beach Naval Weapons Station at Sunset Beach Harbor, Bolsa Chica Bay, California at an estimated cost of $89,600,000. Including such modifications as the Secretary may determine are advisable and upon execution of agreements by the State of California and/or local sponsors for preservation and mitigation of wetlands areas and appropriate financial participation. The Secretary may not undertake construction without the concurrence of the Secretary of the Navy on measures to protect the Naval Weapons Station. The Secretary shall, not later than two years after the date of enactment of this Act, make a determination of financial feasibility of the project and transmit a copy of a final feasibility study and a copy of an final environmental impact statement required by section 102(2)(c) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. No appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee. Agreements for local financial participation shall include the repayment agreements set forth in subsection (a) so as to meet up front cost contributions as required by Federal law together with full amortization of the remaining federal investment including costs of project feasibility studies.

At the end of title XI, insert the following new section:

SEC. 1199K. The Secretary is authorized and directed to remove polluted bottom sediments, at full Federal expense, from the Miami River and Seybold Canal in Miami, Florida, between the mouth of the Miami River and the salinity control structure at 36th Street. Local interest shall furnish all lands, easements, rights-of-way, relocations, and alterations necessary for initial dredging and subsequent maintenance before the Secretary removes any such sediments.

At the end of title XI, add the following new section:

SEC. 1199K. The Secretary is authorized to rehabilitate the Eishenhower and Snell Locks, Saint Lawrence River, Massena, New York, in accordance with the Reconnaissance Report prepared for the Saint Lawrence Seaway Development Corporation by the district engineer for the Buffalo District, dated November 1984 and revised February 1984, at full Federal expense.

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE. I thank the chairman for recognizing me on the committee substitute. This substitute has been printed in the RECORD. The committee substitute that we are working with now contains a number of items that clear up a number of points that were made requiring different adjustments throughout the bill.

This is an enormous bill, and we have had to come back and readjust this bill to meet those points. I think that the Members know about this substitute. It was printed in the RECORD.

I yield to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. I certainly concur in what the chairman has said, and fully support taking these amendments up en bloc.

Mr. LIVINGSTON. Would the gentleman yield?

Mr. ROE. I yield to the gentleman.

Mr. LIVINGSTON. Will the gentleman inform me whether or not an amendment involving the West Bank Hurricane Protection Levee of Jefferson Parish, LA, is in his bulk amendment?

Mr. ROE. Is this the one you are working on now?

No; we have not gotten to that point yet. We will consider that. This is only the first stop.

Mr. LIVINGSTON. I appreciate the gentleman's response.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to delete, as a modification of the amendments offered by the gentleman from New Jersey [Mr. ROE] before the Committee at this time, as follows:

On page 148, line 3 of the text of H.R. 3670 delete the word "shall" and insert the word "may".

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. SAXTON. Reserving the right to object, Mr. Chairman.

If I may enter into a colloquy with the gentleman from New Jersey.

Mr. Chairman, I understand that the thrust of the amendment would be to make discretionary on the part of the Corps of Engineers as to whether or not a certain fishing pier would be built, at the cost of about $500,000 on a project modification at Barnegat Inlet. Is that correct?

Mr. HOWARD. Will the gentleman yield?

Mr. SAXTON. I yield to the gentleman.

Mr. HOWARD. Yes; in language now concerning Barnegat Inlet in the State of New Jersey toward the dredging and reconstruction of the pier, there is a provision that says that the corps shall construct a fishing pier on the southern jetty.

We understand that there may be some objection locally, in that area, and so what this would do would just leave it open, rather than lock it in, so that the Corps of Engineers and local interests may have some input in this. That is all the change would do.

Mr. SAXTON. Mr. Chairman, I appreciate very much the gentleman's cooperation in this matter. There is a significant objection on the part of many municipalities in the area who are fearful of traffic congestion and it is a very, very serious matter to many small communities; particularly in light of the infrastructure which is not probably capable of taking care of much of the traffic and parking problems that would occur.

In addition to that, I might point out to the gentleman from New Jersey [Mr. HOWARD], and again thanking him for his cooperation, that the State

of New Jersey would fund approximately half of this fishing pier, which would be about $250,000, and there has been some objection raised by the State Department of Environmental Protection relative to that matter.

Mr. Chairman, I withdraw my reservation of objection and support the measure wholeheartedly.

The CHAIRMAN pro tempore. Is there objection to the modification of the gentleman from New Jersey [Mr. HOWARD]?

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, during preparation for the dedication ceremonies for the Tennessee-Tombigbee Waterway, a young National Guardsman lost is life in a tragic accident. Pvt. L. DeWayne Hayes was killed while helping to install a pontoon bridge as part of the grand opening of the Tenn-Tom at the Stinson Creek Recreation Area in Columbus, MS. Private Hayes was a resident of West Blocton, AL, and was a member of the National Guard unit from Centreville, AL.

I propose to rename the Stinson Creek Area the "DeWayne Hayes Recreation Area" in honor of the 20-year-old private. My amendment would pay tribute to this young serviceman, whose contributions and hard work are remembered by his fellow guardsmen, area residents, and Tenn-Tom officials. Private Hayes' death is a sad loss, and renaming the Stinson Creek Area for him is a fitting memorial.

I would like to thank subcommittee Chairman ROE; the ranking minority member, Mr. STANGELAND; full committee Chairman HOWARD; and the ranking minority member of the full committee, Mr. SNYDER, for their help and cooperation in accepting this amendment.

Mr. ROE. Mr. Chairman, I commend the gentleman on that. I want to say that I think that the suggestion that he offered and the amendment he offered created a human touch to what we are doing in this House. The gentleman's amendment recognizes where someone gave up their life because of what had to be done in improving our whole system.

So I compliment him for that, and I thank the gentleman for his contribution.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman from New Jersey.

AMENDMENTS OFFERED BY MR. ROE TO THE AMENDMENTS OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I ask unanimous consent to offer five clarifying, technical amendments to the pending amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ROE to the amendments offered by Mr. ROE:

In the matter proposed to be inserted on and after page 93, line 15 (relating to the Santa Ana River Mainstem project), insert at the end the following: "Construction of the Upper Santa Ana River Dam portion of the project shall proceed at the same time as construction of the upstream portions of the project in San Bernardino and Riverside Counties.".

In the matter proposed to be inserted on page 11, on and after line 9, relating to Kill Van Kull and Arthur Kill, New York and New Jersey—

(1) strike out "except that such project shall extend the Arthur Kill Channel at a depth of 40 feet to the Fresh Kills in Carteret, New Jersey, and such easing of bends as the Secretary determines are necessary to enhance navigation,";

(2) strike out "$85,000,000" and insert in lieu thereof "$59,000,000"; and

(3) strike out the last period and insert in lieu thereof the following: "and on satisfying the terms of section 103 shall be included in the project described in clause (1).".

In lieu of the matter proposed to be inserted on page 186, after line 24, insert the following:

(d) Notwithstanding any other provision of law (including the Water Supply Act of 1958), the Secretary—

(1) may not enter into any contract for the sale of storage to be reassigned to water supply in any water resource project under the jurisdiction of the United States that is not based on—

(A) repayment of the portion of the original construction cost of such project, including interest during construction that has been reallocated to water supply; and

(B) the interest accrued on the construction cost from the date of construction to the date of such reallocation; and

(2) may not implement any contract described in paragraph (1) which was entered into before the date of the enactment of this Act but for which no funds have been expended as of such date of enactment for water acquisition; until completion of the study under this section and enactment of a law after the date of enactment of this Act which authorizes the Secretary to enter into such a contract. The interest rate during construction and accrued construction cost interest shall be determined by the Secretary of the Treasury for the fiscal year in which construction of such project was initiated.

In the matter proposed to be inserted on line 25 of page 397, after "Canal Authority of such State" insert the following: "(except existing State roads, highways, and bridges and related rights-of-way, which may be transferred to a county or other local government)".

(1) In the matter proposed to be inserted as subsection (k) after line 3 on page 332, strike out "subsection" and insert in lieu thereof "section".

(2) In the amendment which proposes to add a new section 1199K at the end of title XI of the bill, relating to removal of certain vessels under the control of the United States, strike out "Seybold Channel" and insert in lieu thereof "Seybold Canal".

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE. Mr. Chairman, on these amendments, these are technical, conforming amendments where some errors had been made, and figures had to be recalculated; but I say to the House, these are technical amendments, and they offer no substantive change.

Mr. LEWIS of California. Will the gentleman yield?

Mr. ROE. I yield to the gentleman.

Mr. LEWIS of California. I appreciate my distinguished colleague yielding.

First, let me say the chairman has been most cooperative in our concerns relative to the Santa Ana River project, and the gentleman mentioned that specifically. Could he clarify for me what that technical amendment would do as it relates to that project?

□ 1110

Mr. ROE. On the Santa Ana project, may I at the outset say to the distinguished gentleman from California and his colleagues what an extraordinary job you all have done in putting together a frightfully, terribly complicated project. I know that the gentleman had been working in a bipartisan manner with all Members on both sides of the aisle to get this matter resolved. This technical amendment that we would be adding to the Santa Ana River project which would simply say, and let me read it to you:

The construction of the upper Santa Ana River Dam portion of the project shall proceed at the same time as the construction of the upstream portion of the project in the San Bernadino and Riverside Counties.

What we are doing here is simply two things. We have a communique from the corps that reaffirms that the integrity from the Prado Dam to the new revision of what was the Mentone Dam and the other counties' floodproofing program is all part and parcel of one particular program. We have authorized in this House, under our language, the entire project. I understand there is a question in the other body because they only authorized the lower reaches of that particular Santa Ana River flood protection program but only because they did not have the full report that was filed in September when they drafted their bill.

Therefore, what we are saying in further discussions with the corps that as they build the alternative to what was the Mentone Dam, part of the integrity of that construction is, there

are excavations involved which they want to be able to use some of that material to flood-proof and build dikes along different streams in San Bernadino and Riverside Counties. I believe that is the name that sticks in my mind.

This amendment comes back and says, it assures one thing, that when they are building the alternative to the Mentone Dam, the one that we are talking about in the September report, that the construction must proceed simultaneously with the upstream portions of the project in San Bernardino and Riverside Counties.

Mr. LEWIS of California. Will the gentleman yield further?

Mr. ROE. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, generally I agree with the thrust of that language, but would the gentleman help me with a technical question that could develop and perhaps be critical? It is my understanding that the Prado Dam is located within Riverside County, and this language then would address itself to the Prado Dam as well as to other construction elements.

Mr. ROE. Not to my understanding of it, not to my understanding. Let us have a colloquy on this.

What the gentleman is saying, what the gentleman's concern is, that he does not want to have part of the Riverside flood control program delayed because of the Mentone. That is not the intent of the amendment. The intent of this amendment is only to affect those areas that would be affected upstream when the alternate to the Mentone Dam is constructed.

Mr. LEWIS of California. The gentleman then responded to one-half of my concern. That is that the Prado Dam construction, further development would not be delayed, it is not the intent of this amendment to delay that. I appreciate that.

Mr. ROE. The gentleman is correct.

Mr. LEWIS of California. The other side of the question is, it is my understanding that it is just conceivable that we could have near the Prado Dam the finding of some endangered species, somewhere I have heard of those little problems developing.

Mr. ROE. Not in California.

Mr. LEWIS of California. Now, if such a thing should occur, that conceivably could impact the Prado Dam in a fashion that neither the gentleman nor myself would intend. But if that was the case, is it conceivable that that portion of the project might be delayed, and if that were the circumstance, would such a delay, in turn, delay construction that might in a reasonable way take place?

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey [Mr. ROE] has expired.

(By unanimous consent, Mr. ROE was allowed to proceed for 5 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, will the gentleman continue to yield?

Mr. ROE. I yield to the gentleman further, of course.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, my concern is, if we found such a difficulty, the language of the amendment appears as though it might impact logical construction proceeding in the upper dam which is currently being considered as the logical alternative to the Mentone. Is that the intent of the gentleman? Would indeed this amendment do that?

Mr. ROE. No. I think what you are saying is, as we unfold the program and we go through the necessary environmental impact statement and other studies that are involved, if there comes about some, I am trying to think of the name, some snail darter that comes out of the woodwork——

Mr. LEWIS of California. The finch-toed lizard, perhaps?

Mr. ROE. What is that?

Mr. LEWIS of California. The finch-toed lizard.

Mr. ROE. Well, the lizard could, someone could come in and stop the project?

Mr. LEWIS of California. If they delayed Prado as a result of such a problem, would the language of this technical amendment, in turn, lead to an automatic delay of the construction of the proposed project upstream?

Mr. ROE. No.

Mr. LEWIS of California. If that indeed is the intent of the technical amendment.

Mr. ROE. That is right.

Mr. LEWIS of California. I agree with that. I have no problem with the technical amendment of the gentleman from New Jersey.

I thank my colleague.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from California.

Mr. McCANDLESS. I thank the gentleman for yielding.

I am the other part of the puzzle, Mr. Chairman.

Mr. ROE. Yes.

Mr. McCANDLESS. Riverside County. I have a concern here, Mr. Chairman, about how the construction would proceed with respect to the traditional downstream-working-upstream concept that other projects have been constructed on. This technical amendment, does it deal with constructing all of the project at the same time the raising of the Prado Dam, at the same time that the construction of the Mentone alternative would take place?

Mr. ROE. It does at the same time that the Mentone alternative takes place, yes.

Mr. McCANDLESS. So if there were to be a cost-to-benefit ratio on the part of the Corps of Engineers, the cost-to-benefit ratio would address the entire project, not some portion that might be left over.

Mr. ROE. The gentleman is absolutely correct. The cost-to-benefit ratio would relate to the whole project.

Mr. McCANDLESS. I thank the chairman.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. ROE. Of course I yield to the distinguished gentleman from California [Mr. PACKARD] who has done yeoman's work on this program.

Mr. PACKARD. I sincerely appreciate the work of the chairman on this project which involves so many different parts of California, three counties in particular.

I appreciate the gentleman yielding.

I would like to inquire about the requirement in this technical amendment of having all parts of the upper portion of the project moving at the same time or simultaneously. Will this bring about a delay in any portion of the upper part of the project, and will those delays cause increased costs by virtue of the delay?

Mr. ROE. No; I do not see where that would happen, if I may respond to the distinguished gentleman from California, because this project, as the gentleman knows from his own work and efforts he put forth, is of such magnitude that it is impossible to build all at one time, to put out one contract. That is just not possible, there is land acquisition involved. So it would proceed segmentally.

So I see absolutely no problem that the gentleman is referring to here at all, from my point of view.

Mr. PACKARD. With that explanation, Mr. Chairman, I support the technical amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend my colleagues from New Jersey, Mr. HOWARD, chairman of the Public Works Committee, and Mr. ROE, chairman of the Subcommittee on Water Resources, for their continuing support of beach restoration in Pinellas County, FL, which I represent.

I also want to thank the chairman for including in his amendment a recommendation by the Army Corps of Engineers to extend the Federal authorization for this project.

As you know, Hurricane Elena pounded Pinellas last September, leaving houses falling into the sea, damaging sea walls, and seriously eroding the beaches. The beaches, sea walls, and

property along the coast were left extremely susceptible to future storm damage. Last week that was in evidence as high tides and waves from Hurricane Juan again pounded the beaches, causing further erosion and weakening sea walls.

As a result of President Reagan's disaster declaration, the Corps of Engineers and the Federal Emergency Management Agency are completing plans to renourish and repair previously completed Federal beach restoration projects along Pinellas County's coast.

In other cases, immediate relief for beach renourishment is not available to those cities along the coast that chose in the past not to participate in the Federal Beach Renourishment Program.

If I might, Mr. Chairman, I would like to engage in a brief colloguy with my colleague from New Jersey, Mr. HOWARD, the chairman of the committee, to clarify his amendment, which includes an extension of the life of the Pinellas County beach renourishment project.

Mr. Chairman, as I stated earlier, a number of cities in Pinellas County had chosen not to participate in our ongoing beach renourishment project and, therefore, are not currently authorized to receive emergency beach restoration funds. It's important, however, that these communities be permitted to become a part of the Pinellas County project with as little delay as possible. I understand that your amendment, as it is written, would allow those cities desiring to become a part of this project to do so without the need for further Congressional authorization and appreciate that and inquire of the gentleman if my understanding is accurate?

Mr. STANGELAND. Mr. Chairman, if the gentleman will yield, I want to commend my colleague from Florida, Mr. YOUNG, for continuing to keep the committee aware of the serious situation that developed in Pinellas County as a result of Hurricanes Elena and Juan. Through his work with our committee, we have been able make provisions for the needs of the beautiful beaches of Pinellas County, and to do so without disruption.

My colleague from Florida is correct in saying that those communities in Pinellas County not currently participating in this project can do so without the need for further congressional authorization.

Mr. YOUNG. Mr. Chairman, I want to thank my colleague for his response and say that as a member of the Appropriations Committee, I will continue to do all I can to provide the necessary funding for those communities that decide to become a part of this authorized beach project.

Mr. Chairman, I appreciate the comments of my friend, the gentleman from Minnesota [Mr. STANGELAND].

Mr. ROE. Mr. Chairman, I ask for adoption of the five technical amendments.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from New Jersey [Mr. ROE] to the amendments offered by the gentleman from New Jersey [Mr. ROE].

The amendments to the amendments were agreed to.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from New Jersey [Mr. ROE], as amended, as modified.

The amendments, as amended, as modified, were agreed to.

Mr. BIAGGI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the statement that I am making in connection with this bill is one that I would have made yesterday but for the elections in New York.

Mr. Chairman, I rise in strong support of the committee substitute amendment to H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985. As the principal author of title I of the legislation—the Port Development and Navigation Improvement Act of 1985, I am pleased to join with my friend and colleague, the gentleman from New Jersey [Mr. ROE], in bringing this legislation before the House for the third time.

At this time, I would also like to mention the excellent job done by one of my subcommittee counsels, Larry Mallon. He has worked long and hard on the port bill since its inception, and he deserves a great deal of credit for his extraordinary effort in the development of this legislation.

This is the third consecutive Congress that has considered comprehensive reform of the process of authorizing, financing, and constructing port navigation projects in the United States. Following 7 days of hearings in the field and here in Washington, and endless meetings as chairman of the Merchant Marine Subcommittee, I developed and introduced the grandfather of current port development legislation (H.R. 4627) in the 97th Congress—the only such measure reported to the House in that Congress. Title I of H.R. 6 incorporates most of the generic reforms formulated to expedite the port development process that have been embodied in every port bill introduced since then.

I reintroduced the bill (H.R. 1512) in the 98th Congress, and the Merchant Marine Committee reported it out again. At the request of Chairman ROE, I agreed to the incorporation of my bill into H.R. 3678—water resources authorization—in the 98th Congress, hoping for its expeditious passage. The House acted twice, but the bill languished in the other body.

I agreed to the inclusion of my port development bill in the water resources legislation last Congress and this one for one reason—I was assured it would be acted on quickly. It's no secret that the administration is squarely behind the port development bill, and its inclusion is critical to the passage of H.R. 6.

In all, the Merchant Marine Committee and the subcommittee have held 11 days of hearings on this legislation spanning the last three Congresses. I offer this chronology to underscore the genesis of the legislation and the commitment of the Merchant Marine Committee to the enactment of comprehensive port development legislation.

To those of us on the committee, title 1 represents the culmination of 5 years of sustained effort toward the enactment of meaningful procedural reform of the process of port development in the United States. These reforms affect the authorization, permitting, financing, and construction of port navigation projects in the national interest. The substitute amendment contains those procedural and substantive elements we deem critical to ensure the timely completion of necessary port projects in the future.

These include:

First, fast tracking. This is reflected in the adoption of a consolidated economic, engineering, and environmental decisionmaking process for port project review and approval involving all levels of government, the public, and affected interests.

These critically needed reforms will shorten the approval process for an individual port project from 22 years to 2½ years on the average. The fast-track process may be utilized by a local port—whether or not the non-Federal interest seeks later congressional authorization for reimbursement of the Federal share of the cost of project construction. Fast track is applicable to projects undertaken in whole or in part by a local port.

Second, project financing reforms. These are reflected foremost in the adoption of a graduated system of cost sharing between the Federal Government and non-Federal interests corresponding to project depth. This system is based upon the adoption of an international recognized threshold of 45 feet in depth as the line of demarcation between general cargo and deep-draft ports. This recommendation emanated from a survey of the national port policy practices of most developed countries conducted by the Merchant Marine Committee.

The adoption of a cost-sharing approach for the financing of new project construction incorporates the substitution of a market test, in lieu of

traditional cost-benefit analysis, in the determination of the economic viability of port projects. This should result in those projects having greater national and regional economic benefits proceeding to completion expeditiously.

Project financing reform, as advanced by the Merchant Marine Committee, also incorporates a Federal guarantee of the local share of the cost of new project construction as a substitute for direct Federal funding—at least until such time as a demonstrated market develops for locally issued channel dredging bonds.

These reforms institutionalize formerly ad hoc cost-sharing arrangements requiring inkind local contribution to project construction cost, such as dredged spoil disposal areas and reasonable environmental mitigation measures. These elements have frequently amounted to between 10 and 30 percent of total construction cost in the past.

Third, local user fee authority. This is implemented through the conferral of the consent of Congress upon non-Federal interests to levy local port or harbor dues. This is the traditional method for implementing a national policy requirement for cost sharing of navigation improvements adopted by other developed countries.

This authority may be exercised for the purpose of financing the local share of the cost of project construction, operation, and maintenance of a port navigation project constructed either by the Federal Government or by a local port.

I would like to raise at this point a concern of mine.

The Ways and Means Committee's version of H.R. 6 imposes a 0.04 percent ad valorem fee on cargo to recover a portion of the Federal operation and maintenance costs. I believe this fee whether called a fee or a tax raises questions of constitutionality, and I anticipate a challenge in court.

Combined, these reforms should go a long way toward improving the institutional process of port development in the United States by: Expediting the construction of long overdue and economically viable projects; reallocating national and local resources to higher priority projects; and affording, for the first time since the adoption of the Constitution, the opportunity for local ports to undertake the planning, financing, and construction of navigation projects under Federal approval and supervision.

In my judgment, the generic procedural reforms incorporated in title 1 of this legislation chart a new course in federalism and national port policy. They represent the first major restructuring of the original agreement between the newly established Federal Government and the States concerning port development—a compromise underlying the adoption of the constitution nearly 200 years ago.

It is very fulfilling to see an idea reach fruition. I am proud to have been the first sponsor of port development legislation. Although my original concept has been modified, the general thrust of that first bill remains intact. Passage of this bill will mean a new era in port development.

I strongly urge the support of this legislation, so long in the making, as we proceed to its consideration for the final time.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, October 15, 1985.

To: House Merchant Marine and Fisheries Committee, Merchant Marine Subcommittee. (Attention: Larry Mallon).

From: Lenore Sek, Analyst in Transportation, Economics Division.

Subject: Revenues from an 0.04 Percent Ad Valorem Port User Fee, by Customs District.

The attached table show the value of total U.S. waterborne merchandise trade for 1984, and the revenue that would be received if an ad valorem fee of 0.04 percent were assessed on the merchandise at each of the Customs districts. The table shows that the districts in the North Atlantic area would account for 32 percent of the revenues that would be received, with the district of New York accounting for half of the revenues from the North Atlantic area. The Pacific area would account for 30 percent of revenues, with Los Angeles accounting for about half of the area's revenues. The Gulf area would account for 26 percent of revenues. The remaining areas would account for smaller portions: South Atlantic, 9 percent; Great Lakes, 2 percent; and other areas, 1 percent.

If you would like further information, please call me.

VALUE OF TOTAL WATERBORNE MERCHANDISE TRADE, AND REVENUE FROM AN 0.04 PERCENT AD VALOREM FEE, BY CUSTOMS DISTRICT, 1984

[Dollar amounts in millions]

Customs district	Value of imports	Value of exports	Total value of merchandise	Revenue from ad valorum fee	Percent of revenue
Grand total	192,990.9	101,970.9	294,961.8	117.98	100.0
North Atlantic area, total	69,841.6	23,600.8	93,442.4	37.38	31.7
Portland, ME	577.1	94.1	671.2	.27	.2
St. Albans, VT					
Boston, MA	3,333.0	412.2	3,745.2	1.50	1.3
Providence, RI	766.5	43.1	809.6	.32	.3
Bridgeport, CT	1,249.6	29.7	1,279.3	.51	.4
New York, NY	36,811.1	10,280.0	47,091.1	18.84	16.0
Philadelphia, PA	13,279.0	1,804.4	15,083.4	6.03	5.1
Baltimore, MD	9,149.2	5,602.6	14,751.8	5.90	5.0
Norfolk, VA	4,599.1	5,334.5	9,933.6	3.97	3.4
Washington, DC	77.0	.2	77.2	.03	[1]
South Atlantic area, total	16,588.2	10,961.4	27,549.6	11.02	9.3
Wilmington, NC	809.9	1,292.8	2,102.7	.84	.7
Charleston, SC	3,034.5	2,893.3	5,928.3	2.37	2.01
Savannah, GA	3,764.0	2,686.1	6,450.1	2.58	2.2
San Juan, PR	3,523.8	857.3	4,381.1	1.75	1.5
U.S. Virgin Islands	2,456.9	208.2	2,665.1	1.07	.9
Miami, FL	2,999.1	3,023.2	6,022.3	2.41	2.0
Gulf area, total	39,709.9	35,618.9	75,328.8	30.13	25.5
Tampa, FL	4,823.6	2,693.9	7,517.5	3.01	2.5
Mobile, AL	3,128.2	1,225.9	4,354.1	1.74	1.5
New Orleans, LA	8,689.8	16,693.4	25,383.2	10.15	8.6
Port Arthur, TX	5,243.8	1,653.3	6,897.1	2.76	2.3
Laredo, TX	109.3	37.9	147.2	.06	([1])
St. Louis, MO	37.7		37.7	.02	([1])
Houston/Galveston, TX	17,677.5	13,314.5	30,992.0	12.40	.5
Pacific area, total	63,495.5	25,943.3	89,438.8	35.78	.3
San Diego, CA	81.9	138.3	220.2	.09	.1
Los Angeles, CA	33,308.7	9,153.4	42,462.1	16.98	14.4
San Francisco, CA	10,528.5	6,730.9	17,259.4	6.90	5.9
Portland, OR	3,182.4	4,086.7	7,269.1	2.91	2.5
Seattle, WA	15,172.5	4,768.3	19,940.8	7.98	6.8
Anchorage, AK	222.5	921.4	1,143.9	.46	.4

VALUE OF TOTAL WATERBORNE MERCHANDISE TRADE, AND REVENUE FROM AN 0.04 PERCENT AD VALOREM FEE, BY CUSTOMS DISTRICT, 1984—Continued

[Dollar amounts in millions]

Customs district	Value of imports	Value of exports	Total value of merchandise	Revenue from ad valorum fee	Percent of revenue
Honolulu, HI	999.0	144.3	1,143.3	.46	.4
Great Lakes area, total	3,235.4	3,407.3	6,642.7	2.66	2.3
Ogdensburg, NY	15.2	9.0	24.2	.01	(1)
Buffalo, NY	84.0	9.1	93.1	.04	(1)
Pembina, ND					
Minneapolis, MN					
Duluth, MN	140.8	1,179.9	1,320.7	.53	.4
Milwaukee, WI	148.4	236.1	384.5	.15	.1
Detroit, MI	1,143.3	306.4	1,449.7	.58	.5
Chicago, IL	1,124.8	153.5	1,278.3	.51	.4
Cleveland, OH	578.9	1,513.3	2,092.2	.84	.7
Other statistical areas, total	120.3	2,439.2	2,559.5	1.02	.9
El Paso, TX		NA	NA	NA	NA
Nogales, AZ		NA	NA	NA	NA
Great Falls, MT		NA	NA	NA	NA
Dallas/Ft. Worth, TX					
Norfolk/Mobile/Charleston [2]		2,296.9	2,296.9	.92	.8
Other	120.3	142.3	262.6	.11	.1

[1] Less than 0.05 percent.
[2] Bituminous coal shipments. Not included in other district figures.
Source: U.S. Department of Commerce. Bureau of the Census. Highlights of U.S. Export and Import Trade. December 1984. Washington, 1985. Exports table 6 and imports table 10.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, September 11, 1985.

To: House Merchant Marine and Fisheries Committee.
(Attention: Larry Mallon).
From: Lenore Sek, Analyst in Transportation, Economics Division.
Subject: Calculation of a Port User Fee Based on Revenue Tons.

You requested that CRS calculate a port user fee based on revenue tons that would generate $140 million in revenues. A revenue ton is defined as a long ton when the freight charge is calculated on the basis of weight, as in the case of many bulk shipments, and it is defined as a measurement ton when the freight charge is calculated on the basis of volume, as in the case of many liner shipments. You requested that port fees be calculated for each of these two types of revenue ton.

The Maritime Administration (MarAd), Office of Port and Intermodal Development, provided the following 1980 data on U.S. waterborne commerce that probably was shipped by each of the two meanings of revenue ton.

Foreign trade (739 million long tons total):
weight: 665 million long tons.
measure: 168 million measurement tons (equivalent to 74 million long tons).

Domestic trade—coastal (294 million long tons total):
weight: 280 million long tons.
measure: 33 million measurement tons (equivalent to 14 million long tons).

Domestic trade—Great Lakes (103 million long tons total):
weight: 101 million long tons.
measure: 2 million measurement tons (equivalent to 2 million long tons).

Because 1980 measurement tonnage was one-fifth of the weight tonnage, you requested that the proportion of measurement fee to weight fee be 5:1 to balance receipts from these two sources. On the basis of a 5:1 ratio, the fees that would have to be charged are $.0679 per revenue ton (rounded to $.07 per revenue ton) for commodities shipped on the basis of weight (bulk shipments) and $.3396 per revenue ton (rounded to $.34 per revenue ton) for commodities shipped on the basis of measure (liner shipments).

In considering how the calculated port fee based on revenue tons would compare to the ad valorem fee of .04 percent that is currently proposed in some port development bills, you requested a comparison of the two types of fees (ad valorem and revenue ton) for selected commodity groups according to their value per ton. The table on the next page shows the results of such a comparison for 1980 foreign trade. The commodity groups, determined by MarAd, were separated into bulk or liner according to our conversation. The tonnage for liner commodities was converted into revenue tons using the foreign trade ratio on the preceding page. According to the table, bulk commodities with lower values per ton (up to $137 per ton in the table) pay less under an ad valorem fee than under the revenue ton fee. These groups were 30 percent of the total bulk tonnage in long tons. The remaining bulk commodities (values per ton of $175 and more) pay more under an ad valorem fee than under the revenue ton fee.

Of the 10 commodities categorized as liner (measurement ton basis), only the commodity with the lowest value per ton ($1430 in the table) would pay less under the ad valorem fee than revenue ton fee. The remaining nine commodities would pay less under the revenue ton fee.

It should be noted that receipts from an ad valorem fee for all foreign trade are seen to be about twice the receipts from the revenue ton fee.

If you would like further information, please call me.

COMPARISON OF RECEIPTS UNDER TWO PORT USER FEES: 1980 FOREIGN TRADE

Commodity group	Total long tons (thousands)	Value per ton	Ad valorem receipts	Revenue ton receipts (thousands)
Bulk				
Cement and limestone	10,995	$16.17	$71.12	$746.56
Iron ore and concentrates	25,258	32.29	326.18	1,715.02
Nonmetalic minerals	9,987	38.55	154.00	678.12
Coal and coke	83,604	57.81	1,933.11	5,676.71
Sulphur	1,530	113.85	69.68	103.89
Fertilizer	26,604	115.70	1,231.19	1,806.41
Corn	58,296	137.37	3,203.36	3,958.30
Residue and dirty petroleum product	38,465	175.04	2,693.14	2,611.77
Wood	23,121	175.44	1,622.52	1,569.92
Other ores and concentrates	21,848	178.61	1,560.93	1,483.48

COMPARISON OF RECEIPTS UNDER TWO PORT USER FEES: 1980 FOREIGN TRADE—Continued

Commodity group	Total long tons (thousands)	Value per ton	Ad valorem receipts	Revenue ton receipts (thousands)
Wheat	32,514	181.32	2,358.13	2,207.70
Other building material except cement	4,070	185.74	302.39	276.35
Liquefied petroleum gas and liquefied natural gas	3,563	208.47	297.12	241.93
Waste and scrap materials	10,219	225.05	919.90	693.87
Other grains and seeds	11,899	232.94	1,108.71	807.94
Crude oil	239,446	238.77	22,868.73	16,258.38
Soybeans	20,123	273.91	2,204.75	1,366.35
Clean petroleum products	14,809	308.89	1,829.73	1,005.53
Primary iron and steel	1,777	450.80	320.43	120.66
Sugar, molasses, honey	4,865	503.70	980.20	330.33
Fruits and vegetables	5,646	529.14	1,195.01	383.36
Pulp and paper	8,010	534.34	1,712.03	543.88
Iron and steel products	12,835	550.92	2,828.43	871.50
Edible oils and fats	3,589	607.23	871.74	243.69
Chemicals	16,518	662.49	4,377.20	1,121.57
Other food and farm products	19,829	982.22	7,790.56	1,346.39
Natural and synthetic fibers	2,270	1,557.32	1,414.05	154.13
Natural and synthetic rubber, plastics	4,821	1,727.32	3,330.96	327.35
Nonferrous metals	2,007	2,707.77	2,173.80	136.28
Motor vehicles, parts	4,259	4,807.37	8,189.84	289.19
Total	722,777	18,516.54	79,938.90	49,076.56
Liner				
Alcoholic beverages	1,740	1,429.62	995.01	1,341.35
Metal manufacturers	2,054	2,388.02	1,962.00	1,583.41
Chemical products	1,012	2,466.09	998.27	780.14
Furniture, parts	354	2,896.69	410.17	272.90
Dry cargo, necessary	2,895	4,229.42	4,897.67	2,231.73
Other transportation equipment, parts	1,017	5,304.90	2,158.04	784.00
Textiles and apparel	1,732	5,649.51	3,913.98	1,335.18
Industrial and agricultural machinery, parts	3,302	6,655.30	8,790.32	2,545.49
Electrical, electronics, optics	2,086	8,597.86	7,174.05	1,608.08
Exempt commodities	128	12,112.74	620.17	98.67
Total	16,320	51,730.15	31,919.69	12,580.96

Source: Commodity groups, total long tons, and value per ton provided by the Maritime Administration, Office of Port and Intermodal Development. Ad valorem receipts and revenue ton receipts calculated by CRS. Table prepared by Jose Padua, Reference Assistant, Economics Division.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, September 20, 1985.

Hon. WILLIAM GRAY,
Chairman, House Budget Committee, Washington DC.

DEAR BILL: As the Merchant Marines and Fisheries Committee considers the options available for meeting our reconciliation instructions, I would appreciate your review

of the enclosed proposals on port development fees.

The first would impose a fee based on the tonnage or volume of cargo, the second the value of the cargo. Discussions between our respective Committee staffs have indicated that the tonnage fee could be used to meet our reconcilation requirements, while the value fee could not.

I would appreciate your confirming this information and providing me with the rational for making the differentiation between the two approaches.

Because of the obvious time contraints we are both working under, a response at your earliest convenience will be most welcome.

Sincerely,

WALTER B. JONES,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 25, 1985.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, DC.

DEAR WALTER: I write in response to your letter of September 20 concerning the Merchant Marine and Fisheries Committee's proposed legislation to comply with its reconciliation instructions. I am also advised that the staffs of our committees have met to discuss this and other related issues.

As you know, S. Con. Res. 32, The First Concurrent Resolution on the Budget for Fiscal Year 1986, contained reconciliation instructions to your committee to change laws within its jurisdiction sufficient to reduce budget authority and outlays for fiscal years 1986 through 1988. The conferees of the first budget resolution, in formulating your committee's instruction, assumed deficit reduction to be accomplished through either cuts in direct spending or increases in offsetting receipts, not through revenue increases.

As to your first proposal, after consulting with the House Parliamentarian, it is my opinion that there is sufficient precedent for your committee to exercise jurisdiction over tonnage fees on cargo to be used for purposes or projects within its jurisdiction.

The second proposal which provides for a fee to be imposed based upon the value of the cargo would not be a change in laws within the jurisdiction of the Merchant Marine and Fisheries Committee. This determination was reached in consultation with the House Parliamentarian who advised that your committee does not have jurisdiction over the imposition of an ad valorem fee or tax on cargo. Since there is no relationship between the fee or tax being imposed and the projects being financed by such collections, the proposal is more like a tax imposed by the United States pursuant to its revenue raising power.

The rationale used by the Budget Committee in advising committees whether a proposed fee is a proprietary receipt or user fee or whether it is a revenue is based upon the nature of the fee.

For example, in your two proposals the fees collected would be used "to reimburse the United States Government towards the cost of operation and maintenance of port navigation projects authorized under this Act or other Federal law." (Page 18 of Merchant Marine and Fisheries Committee draft.)

The tonnage fee on cargo bears some relationship to the purposes for which the fee is levied and will be used, in the sense that the heavier or more voluminous the cargo the more navigational, harbor, and port serivces may be required. Conversely, a tax or fee on the value of the cargo bears little relationship to the purposes for which the fee will be used. A very valuable cargo, diamonds for example, would be taxed at a higher rate than a less valuable cargo which might weigh substantially more. This would be the result even though the less valuable cargo may require larger port facilities, deeper harbors, etc.

As you see, there are general principles which are followed in determining the difference between a proprietary receipt or user fee and a revenue; however, it is difficult to enunciate a clear test that can uniformally be applied to all types of collections.

I would welcome the opportunity to meet with you should you have any further questions or if I might assist you in any way as you work to respond to the reconciliation instructions.

With best wishes,

Sincerely,

WILLIAM H. GRAY III,
Chairman.

DEPARTMENT OF THE TREASURY,
Washington, DC, July 10, 1985.

Hon. MARIO BIAGGI,
Chairman, Subcommittee on Merchant Marine, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in further response to your May 16 letter to President Reagan regarding the impact of certain provisions of the Treasury Department's tax reform proposal on the maritime industry. I apologize for the delay in responding.

As you are aware, the President has reviewed those provisions of the Treasury Department's original recommendations to him and, after careful consideration, has outlined a program which he believes will promote the objectives of fairness, growth, and simplicity. We support the President's position and believe these proposals represent sound tax policy.

The proposed lengthening of depreciation rates for certain capital assets is substantially more generous than the Treasury Department's original recommendations to the President. As a result, these provisions should impact more favorably on the maritime industry than under the Treasury Department proposal.

Repeal of merchant marine capital construction funds (CCFs) is justified because the current rules for taxation of these funds are a gross departure from generally applicable principles of taxation. Earnings on deposits are generally exempt from tax in these funds and eligible taxpayers can expense capital investments made with fund withdrawals while claiming an investment tax credit on assets in which the basis is zero. Should a CCF subsidy be necessary, a direct spending or regulatory program would be a more proper vehicle to achieve the objects of a subsidy.

Repeal of the deduction for business expenses for travel onboard cruise ships is appropriate because such travel involves a high degree of personal consumption. Your suggestions that a potential source of taxable income may be found in the foreign cruise ship industry operated out of U.S. ports and that the Subpart F rules provide an advantage to U.S.-owned, foreign flag shipping is certainly of interest and will be taken under advisement.

Finally, the President's proposals would deny tax exemption to any obligation issued by a State or local government where more than one percent of the proceeds were used directly or indirectly by any person other than a governmental unit. In essence, this proposal would prevent the issuance of tax-exempt bonds to finance any facility other than facilities to be owned and operated by the State or local governmental unit. Thus, obligations could no longer be issued on a tax-exempt basis to finance facilities intended for private use, such as marine terminals that are sold or leased on a long-term basis to private businesses. Tax-exempt financing for channel dredging projects would probably not be affected unless some private company owned the channel or was granted special rights to use the channel different from that granted to the public at large.

Tax-exempt financing is an inefficient Federal subsidy where the Federal government foregoes $3 of tax revenues to provide a $2 interest cost savings to the party who uses the tax-exempt bond proceeds. This subsidy program also results in significant revenue losses for the Federal government equal to approximately $10 billion in this fiscal year for all nongovernmental bonds. This revenue loss must result in a larger deficit, higher marginal tax rates that would otherwise be necessary, or a decrease in other government spending. The elimination of all nongovernmental bonds, including those IDBs issued to finance port improvements, will, of course, force the beneficiaries of such programs to pay market rates on their borrowing. In return, however, the lower corporate and individual tax rates proposed will promote growth and fairness in the economy at large.

Sincerely,

J. ROGER MENTZ,
Acting Assistant Secretary, Tax Policy.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, May 16, 1985.

Hon. RONALD W. REAGAN,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT: I request your urgent reconsideration of a number of items contained in the draft Treasury tax reform proposal from the aspect of their likely adverse economic impact upon the potential for revitalization of the maritime industry in the United States.

In testimony before the House Ways and Means Committee on February 27, 1985, Treasury Secretary James A. Baker, III, said he would look carefully at the final Treasury proposal "to make sure we don't do something that affects capital formation, or that makes us even less competitive overseas. There is a need for balancing interests and equities". I concur completely with that statement and submit to you that these are the two most critical precepts with which to evaluate the equity and economic impact of various elements of the Treasury proposal.

Mr. President, I understand the current Treasury proposal includes several provisions that would impact the maritime industry inequitably and ill-advisedly to a disproportionate extent than other industries in the United States of equal or lesser importance to our international trade and national security. Were these elements of the proposal to be enacted into law, standing alone they would further damage the international competitiveness of the ocean shipping in-

dustry. That industry is already facing intensified Government-sponsored foreign competition concurrent with continuing withdrawal of traditional U.S. Government support. The proposal would remove any likelihood of economic revitalization and restoration of international competitiveness to the commercial shipbuilding industry in the United States. It would also critically threaten vital U.S. international trade and economic interests by jeopardizing the ability of U.S. ports to raise private capital to finance badly needed port improvements. At the very time your Administration is working closely with the Congress in seeking resolution of long overdue policy reforms to shift a major portion of the responsibility for financing port improvements from the Federal Government to the private sector these changes would be ill-advised. I cannot overstate the adverse impact of these proposed tax law changes upon a struggling industry, whose welfare we both value.

The specific provisions I refer to are the following:

First, the differentiation of the maritime industry for the most discriminatory tax treatment, which would affect private capital formation, of any segment of U.S. industry is potentially disastrous. This includes the proposed lengthening of the period of accelerated cost recovery from five to twenty-five years, representing the longest period of economic depreciation in U.S. tax history and of any industrialized country in the free world.

Second, the proposal includes the outright repeal of the Capital Construction Fund (CCF), tax deferral provisions contained not in the tax code but in the Merchant Marine Act, 1936. That provision was enacted originally in 1920 at the request of both the Departments of Commerce and Treasury to protect the Government's financial interest in subsidized vessels. This program has been evaluated repeatedly as the most cost-effective maritime promotion program in United States history. It encourages reinvestment in U.S.-flag shipping and accelerated replacement of technologically and economically obsolete tonnage in foreign trade.

Repeal of the CCF provision would effectively insure that no commercial vessel of any size would ever be constructed in a domestic shipyard in the United States for operation in foreign trade.

Third, the Treasury proposal calls for the repeal of a provision in current law that permits the deductibility of business expenses for travel onboard U.S.-flag cruise ships. Testimony before this Subcommittee has indicated significant potential for U.S.-flag vessel entry into this $5 billion cruise industry. The industry is comprised at the present time of 50 foreign-flag passenger ships effectively homeported in U.S. ports whose clientele are 90 percent U.S. citizen nationals. In contrast, there are only two U.S.-flag vessels currently operating in the trade.

Moreover, under current law this entire $5 billion industry is outside the incidence of U.S. tax laws. I respectfully submit that if the Treasury is aggressively searching for all available sources of potentially-taxable domestic and foreign source income, the cruise ship industry is a most likely candidate for taxation under the U.S. worldwide system of taxation encompassing the taxation of aliens doing business in the United States.

At the very least, the continued availability of the provision in current law permitting the deductibility of business expenses for travel on board U.S.-flag passenger vessels is a critical prerequisite to the investment planning of every U.S. entrepreneur seeking to enter this rapidly growing sector of the maritime industry.

Fourth, the Treasury proposal would reportedly incorporate without any independent analysis or justification, a one percent limitation on the potential beneficiaries of tax-exempt industrial revenue bonds issued by port authorities to finance marine terminal facilities. If port modernization legislation were to be finally enacted into law, the financing of channel dredging projects would be affected as well. This would effectively eliminate the principal tax-exempt institutions market for public port-initiated general obligation and revenue bond securities.

This very issue was debated at length prior to enactment of the Tax Reform Act of 1984, which encompassed other limitations on the use of tax-exempt bond financing by public entities, from which port authorities, in recognition of their critical importance to U.S. international trade, were expressly exempted. Annual customs receipts of $6 billion from a levy of duties at seaports represents one of the largest sources of Federal revenue at the present time outside of the Federal Income Tax. From that perspective, ports generate an approximately 25 to 1 return on investment in relation to current Federal expenditures for port maintenance by the Federal Government.

In addition to the inequity of these proposals in comparison to the tax treatment of other domestic industries and the tax policies of other nations, I must also point out the neutrality-violating or investment-distorting aspect of this proposal. For example, tax deferral of the reinvested earnings of U.S.-owned, foreign-flag shipping under Subpart F of the Internal Revenue Code is left undisturbed by the Treasury proposal. The discriminatory tax treatment of the maritime industry exists under present law also. You may not be aware that with respect to the investment tax credit recommended for repeal by the Treasury proposal, the maritime industry is the only industry in the United States subject to a 50 percent arbitrary ceiling in the amount of the eligible tax credit that may be claimed in conjunction with investment in capital equipment in the United States.

Mr. President, limitations of time and space preclude my going into further detail on the enormous economic impact on the maritime industry likely to result from enactment of these provisions contained in the current Treasury Tax Reform Proposal. I hope my urgent request will result in your serious reconsideration of these elements of the proposal prior to its formal transmittal to the Congress.

As the Congress proceeds toward the consideration of meaningful tax reform I look forward to working with you in the same spirit of cooperation that resulted in enactment of the landmark Shipping Act of 1984, and continues with concurrent Congressional consideration of comprehensive port development legislation, which I initiated four years ago. In order to facilitate comprehensive examination of the impact of the entire Treasury tax reform proposal upon the prospects for long-term economic revitalization of the maritime industry, I intend to introduce a complementary package of maritime tax reform initiatives substantially identical to that prepared by an Interagency Task Force Report of your Administration under the leadership of former Transportation Secretary Drew Lewis. I look forward to working with your Administration in seeking the inclusion of many of the concepts developed by your Interagency Task Force in the tax reform proposal eventually enacted by Congress.

Respectfully yours,

MARIO BIAGGI,
Chairman,
Subcommittee on Merchant Marine.

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Mr. ROE. Mr. Chairman, H.R. 6, the Water Resources Conservation, Development and Infrastructure Act of 1985, contains water resources projects, modifications to authorized projects, and other provisions relating generally to the Water Resources Development Program of the Corps of Engineers. It also contains a program for assistance to communities for the construction, repair, and rehabilitation of water supply systems, the creation of a National Board on Water Resources Policy, and the deauthorization of a large number of older water resources development projects which have not been constructed. In addition, H.R. 6, as amended by the committee amendment in the nature of a substitute, contains revenue provisions imposing a 0.04-percent tax on the value of cargo.

With the exception of the revenue provisions—which fall within the jurisdiction of the Ways and Means Committee—the remaining portions of the bill—titles I through XIV—fall primarily within the jurisdiction of the Committee on Public Works and Transportation.

Under the House Rules and precedents, the Public Works Committee has jurisdiction over: Flood control and improvement of rivers and harbors; oil and other pollution of navigable waters; water power; and public works for the benefit of navigation, including bridges and dams.

This covers among other items the civil functions of the U.S. Corps of Engineers.

Thus, title I through XIV—which deal primarily with water resource development, flood control, projects for improvement of navigation, and port development—fall predominantly within the jurisdiction of the Public Works Committee.

This fact has been reflected in the referrals of H.R. 6. H.R. 6, as originally introduced, was referred exclusively to the Committee on Public Works and Transportation. It was not jointly referred to the Ways and Means Committee because the introduced version did not contain any revenue provisions. H.R. 3670, the text of which is the committee amendment in the nature of a substitute made in order by the rule, was jointly referred to the Public Works Committee and the Ways and Means Committee.

The Committee on Merchant Marine and Fisheries has some incidental jurisdiction relating to the matters covered principally in title I of H.R. 6. For this reason, H.R. 6 was sequentially referred to the Merchant Marine Committee for consideration of matters within its jurisdiction. It is also for this reason that we are prepared to yield

some of our general debate time to the Merchant Marine Committee.

However, the Merchant Marine Committee's argument that it has extensive jurisdiction over title I—port development—of the bill is specious.

The basic subject matter of that title—navigation projects to be carried out by the Corps of Engineers to develop the Nation's ports—falls squarely within the jurisdiction of the Public Works Committee. The Merchant Marine Committee does not have jurisdiction over corps projects.

Title I does, however, also contain a few provisions directly relating to the disposal of dredged materials under the Marine Protection, Research and Sanctuaries Act; environmental impact statements under the National Environmental Policy Act; and fish and wildlife mitigation matters.

These matters are clearly incidental to the primary subject matter of title I—port development. Thus, the Speaker's exclusive referral of title I of H.R. 6 and H.R. 3670 to the Public Works Committee is correct and belies any claim by the Merchant Marine Committee that its jurisdiction is any more than incidental.

Notwithstanding this situation, the Merchant Marine Committee argues that the joint referral of H.R. 45—(the Port Development and Navigation Act of 1985)—to the two committees somehow gives them joint jurisdication of H.R. 6. This is nonsense. H.R. 45 is significantly different than title I of H.R. 6, and contains a number of provisions which are not even included in H.R. 6. Moreover, title I of H.R. 6 is just a small part of a comprehensive water resources bill.

In conclusion, Mr. Chairman, the Speaker's decision to exclusively refer the nonrevenue portions of H.R. 6 and H.R. 3670 to the Public Works Committee was clearly correct.

Mr. FOGLIETTA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join with the many supporters of this legislation, recognizing as they do, the need to go forward with many vital water resource projects.

I do, however, want to reiterate my reservation to the ad valorem fee this legislation will impose on all cargoes. I oppose this concept and I regret that we must break with the Nation's 200-year commitment to provide 100 percent of the operations and maintenance costs for our general cargo ports. There are many compelling reasons why we should not impose such a user fee; these range from the constitutionality of such a proposal to the potential for cargo diversion and possible foreign retaliation.

I appreciate the effort of those who agreed to the ad valorem fee in order to break the longstanding impasse on the omnibus water resources bill. It is my belief and fervent hope that the issue of a user's fee is now settled for the future, that there will be no attempt to change the level or the nature of this fee in the future. The ad valorem fee must not go higher than 0.04 percent of the commercial value of cargo and must remain uniform.

Mr. Chairman, at this point I want to commend the leadership of both parties of the Merchant Marine, Ways and Means, and Public Works and Transportation Committees for the effort that went into this important legislation.

In particular, however, I want to commend the distinguished chairman of the Merchant Marine Subcommittee, the gentleman from New York, who has put together so much of the substantive elements that are critical to the timely completion of projects necessary for the Nation's ports. These elements include the fast-tracking of the economic, environmental, and engineering decisionmaking process; project financing reforms; and local user fee authority. These latter two elements were recommended after the Merchant Marine Subcommittee undertook a survey of the national port policies of most developed nations. The gentleman from New York is to be congratulated for his fine effort.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from South Dakota [Mr. DASCHLE].

Mr. DASCHLE. Mr. Chairman, I had hoped to be recognized earlier, but I rise to ask unanimous consent that the words "nonprofit entity" be added after the words "political subdivisions" to that section of the substitute numbered 17, and referring to page 399 of the substitute bill.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

Mr. SNYDER. Mr. Chairman, reserving the right to object, we do not know what this is on this side.

Mr. DASCHLE. If the gentleman will yield, Mr. Chairman, we have cleared it with the ranking minority member.

Mr. SNYDER. I thought I was the ranking minority member.

Mr. DASCHLE. I am sorry. The gentleman from Minnesota [Mr. STANGELAND].

Mr. SNYDER. Mr. Chairman, I withdraw my reservation of objection.

Mr. DASCHLE. I thank the gentleman.

The CHAIRMAN. Will the gentleman from South Dakota [Mr. DASCHLE] please state his request, for the benefit of the Clerk, please?

Mr. DASCHLE. Mr. Chairman, I ask unanimous consent that the words "nonprofit entity" be added after the words "political subdivision" to that section of the substitute numbered 17 in dealing with and referring to page 399 in the substitute.

The CHAIRMAN. The gentleman will suspend for a moment while the Clerk seeks the appropriate position for the amendment.

Will the gentleman withhold his request until the issue of its proper positioning is clarified, and will the gentleman approach the podium for that purpose?

Mr. DASCHLE. I will, Mr. Chairman.

AMENDMENTS OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer 14 committee amendments, and I ask unanimous consent that they be considered en bloc, notwithstanding the fact that some of the amendments refer to portions of the bill not yet designated.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ROE: Page 8, line 20, strike out "$230,000,000" and insert in lieu thereof "$310,000,000.

Page 20, after line 9, insert the following new paragraph:

The Secretary shall also study, in consultation with appropriate Federal, State, and local agencies and taking into consideration existing plans, studies, and reports, whether it would be more cost-effective and environmentally sound to control future sedimentation than to conduct periodic maintenance dredging of such project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for implementing measures to control sedimentation if such measures prove to be more cost-effective and environmentally sound.

Page 59, line 3, strike out the semicolon and insert in lieu thereof the following: "and includes any interstate agency and port authority established under a compact entered into between two or more States with the consent of Congress under the section 10 of Article I of the Constitution;".

Page 107, after line 24, insert the following new subsections:

(t) The Secretary is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to those areas identified in the February 1984 draft environmental impact statement for the West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana, at an estimated cost of $20,000,000. Funds provided by non-Federal interests for interim hurricane protection shall be considered beneficial expenditures and credited as part of the non-Federal contribution of the project.

(u) The Secretary is authorized to construct six additional floodgates at Bayou Rigolette, Louisiana, adjacent to the existing drainage structure, at an estimated cost of $6,900,000.

Page 108, line 1, strike out "(t)" and insert in lieu thereof "(v)".

Page 172, after line 12, insert the following:

SEC. 542. The Secretary is authorized to construct shoreline protection measures for the shoreline adjacent to the runway at the Sky Harbor Municipal Airport, Duluth,

Minnesota, including riprap shore protection, fueling area repairs and protection, and topsoil and turf establishment, at an estimated cost of $250,000.

Page 193, line 5, strike out "$36,000,000" and insert in lieu thereof "$3,600,000".

Page 212, line 14, after the period insert the following: "with respect to any water supply contract entered into by the Secretary under this section after June 1, 1985, the Secretary shall determine (1) the amount of hydropower lost, if any, as a result of the implementation of such contract, and (2) the replacement cost of the hydropower lost (where replacement cost is defined as the cost to purchase power from existing alternative sources). If hydropower is lost as a result of the implementation of such contract, the Secretary shall provide credits to the Southwest Power Administration of amounts equal to such replacement costs. Such credits shall be against sums required to be paid by the Southwest Power Administration for costs of the project allocated to hydropower. In each such case the Southwest Power Administration shall reimburse each preference customer for an amount equal to the customer's actual replacement cost for hydropower lost as a result of the implementation of such contract, less the cost such customer would have had to pay to the Southwest Power Administration for such hydropower. The Secretary may not increase payments of water users under a water supply contract under this section on account of the credits and reimbursement required to be provided under this section.".

Page 223, line 20, strike out "Beach" and insert in lieu thereof "Branch".

Page 226, after line 23, insert the following:

SEC. 782. The project for navigation, Savannah Harbor, Georgia, authorized by the River and Harbor Act of 1965, is modified to authorize the Secretary, as part of operation and maintenance, to remove drift and debris from the harbor.

Page 322 strike out line 4 and all that follows through line 20.

Redesignate succeeding sections accordingly.

Page 346, after line 14, insert the following:

(e) In any case in which a person holds a lease of property at Clarks Hill Reservoir, Georgia, which is terminated under this section on or after December 31, 1989, the Secretary shall offer for sale to such person real property at Clarks Hill Reservoir which is owned by the United States and is not needed for the project (if there is any such property). The property offered for sale shall be approximately equal in size to the property that was subject to such lease. The Secretary shall offer any such property for sale at the fair market value of the property, as determined by the Secretary. Each offer under this subsection shall be made on or before the date on which the lease is terminated and shall be open to such person for 18 months from the time the offer is made. As a condition to a sale under this subsection, the leaseholder shall restore the property subject to the terminated lease to a condition acceptable to the Secretary.

Page 382, strike out lines 17 through 20.

Redesignate the subsequent sections of title XI of the bill accordingly.

Page 384, strike out line 21 and all that follows through line 9 on page 387.

Redesignate succeeding sections accordingly.

Page 399, after line 5, insert the following new section:

SEC. 1199K. The Secretary shall allow a State or its political subdivisions to withdraw water on a monthly basis for municipal and industrial uses within the State from any Missouri River mainstem reservoir which is under the control of the Secretary and situated wholly or partially within such State but only to the extent that such withdrawals do not exceed the monthly average historical natural flows at the point of withdrawal as determined by the Secretary. Any such water withdrawal for municipal and industrial uses within the affected State shall not require any fee or payment to the Federal Government for waters or project storage or for any reason without the prior consent of Congress.

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. DASCHLE. Mr. Chairman, reserving the right to object, I do so only because this is the appropriate section of amendments to which I have addressed my unanimous-consent request earlier. It is numbered 17 in this section. It is with that understanding that I find the amendment now to be appropriate where I would add "or nonprofit entity," as I suggested earlier.

The CHAIRMAN. The Chair would advise the gentleman from South Dakota, if he is asking the question, that consideration of the amendments en bloc of the gentleman from New Jersey [Mr. ROE] is being requested at this time, and that the unanimous-consent request of the gentleman from South Dakota [Mr. DASCHLE] would be in order during the debate on the amendments offered by the gentleman from New Jersey [Mr. ROE].

Mr. DASCHLE. I thank the Chair and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE. I thank the Chairman for resolving that matter.

These 14 amendments are committee amendments. There are a number of projects in here, for example, the Mount St. Helens projects, which we had in the original legislation, which is still in this legislation, and has already been enacted into law in a supplemental appropriations bill.

One of these amendments would remove that provision.

There are figures and corrections, again, for one or two port projects.

Basically, these are technical amendments. For example, there was an error made in printing. It read $36 million, and for all of us who are budget savers, the figure should have read $3.6 million. So it is lesser than that in the printed bill.

There is a technical amendment that dealt with what the gentleman from New Jersey [Mr. HOWARD] mentioned, where the word was spelled as "beach" and it should have been "branch."

There is another amendment that speaks to continuing authorization for debris removal from the Savannah Harbor.

Mr. WYLIE had an amendment that struck this section relating to a park program, which has since been put into an appropriations bill.

Mr. BARNARD had an amendment which refers to exchange of properties for the Clarksville Reservoir, for people who are being moved off from their country cottages.

And Mr. QUILLEN had an amendment to remove a section, which is strictly housekeeping and was in the supplemental appropriations bill.

And Mr. HARKINS had an amendment that redesignated a section, so we could straighten out the housekeeping.

There are no questions on the amendments, Mr. Chairman.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Certainly we support the amendments en bloc on this side. We urge their passage.

Mr. LIVINGSTON. Mr. Chairman, this last week, Hurricane Juan brought a Halloween present to South Louisiana—which was far too much trick, and no treat at all. All in all, at least 10 parishes were damaged to the tune of over $1 million.

In Jefferson Parish alone, which is represented by both Representative BILLY TAUZIN and me, 10,000 people were left homeless—permanently or temporarily, 3,000 automobiles were extensively damaged, and losses were estimated at $50 million. Some of these damages were unavoidable. But others might have been avoided had we had adequate protection in place.

Mr. Chairman, the Jefferson westbank hurricane protection levee has been on the books since 1966. Everyone knew there might come a day when just the right hurricane might push the Gulf of Mexico northward—into the bayous and bays of the Louisiana marshland—and beyond.

The people of Jefferson Parish knew that if that happened, one of the vulnerable inhabited areas was the land mass west of New Orleans and the Mississippi River.

There were studies done which portrayed the potential damage, and everyone agreed that a good strong levee system was needed to protect residents from the danger of rapidly rising waters. Local, State, and Federal officials all agreed that the levee should be built, and, in fact, a temporary, make shift levee was built and maintained over the years.

But although considerable damage occurred as a result of Hurricanes Betsy in 1965 and Hilda in 1964, the matter was never really given top consideration by all of the interested parties at the same time.

And so it was that for financial, logistical, or environmental reasons, and others, the Government authorities, the landowners, the environmentalists and the local residents could never agree on exactly where the needed permanent levee was to go.

Well, Mr. Chairman, the time for discussion is over. Hurricane Juan won the argument. Juan decided that if the people couldn't agree on an adequate levee, he would show them what they were missing. And that's what he did.

Actually, he was a gentle soul. His winds were slight, so his damage—while extensive—was not nearly what it might have been had he been much stronger.

Nevertheless, he wiped out two entire subdivisions in Westbank Jefferson with his rising waters. He put 1,200 homes out of commission—along with approximately 1,500 automobiles. Carpets, furniture, appliances, bedding, walls and insulation, and clothing—all of this was ruined, leaving people dazed, bewildered and homeless.

Mr. Chairman, the damage did not have to happen to these people in Westbank Jefferson. If everyone could have agreed on a levee alignment years ago, a levee in this area would have been built—and Hurricane Juan would have been newsworthy, but not devastating for these particular people.

For these reasons, I'm asking that this amendment, offered by Chairman ROE at my request, be passed with H.R. 3670 to authorize whatever work may be necessary to build a permanent westbank hurricane protection levee.

The entire cost of the levee should not exceed $20 million, only a fraction of the damage suffered by my constituents this year, at the hands of that halloween prankster, Hurricane Juan.

I urge the adoption of this provision, and H.R. 3670.

The CHAIRMAN. The Chair recognizes the gentleman from South Dakota [Mr. DASCHLE] for his unanimous consent request.

Mr. DASCHLE. Mr. Chairman, I ask unanimous consent that at this point we include in that section of these amendments being offered en bloc the words "nonprofit entity."

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. ROE, as modified: Page 399, after line 5, insert the following new section:

SEC. 1199K. The Secretary shall allow a State or its political subdivisions nonprofit entity to withdraw water on a monthly basis for municipal and industrial uses within the State from any Missouri River main stem reservoir which is under the control of the Secretary and situated wholly or partially within such State but only to the extent that such withdrawals do not exceed the monthly average historical natural flows at the point of withdrawal as determined by the Secretary. Any such water withdrawal for municipal and industrial uses within the affected State shall not require any fee or payment to the Federal Government for waters or project storage or for any reason without the prior consent of Congress.

Mr. DASCHLE. Mr. Chairman, I rise in support of the committee amendment which includes a provision offered by Mr. Dorgan and myself to forbid the Army Corps of Engineers from charging a storage fee for the use of a Federal reservoir, provided the withdrawals do not exceed natural flows of the river.

Earlier this year, former OMB Director, David Stockman, proposed a storage fee as a means of raising revenue from rural water users and the administration has singled out a few rural water systems in North and South Dakota to test the new taxing device. This spring the corps sent a storage fee contract to two rural water systems, the WEB rural water project in northeastern South Dakota and the Southwest rural water project in North Dakota.

The administration contends that those who benefit from the use of the Missouri River main stem dams should have to help pay for the benefits of the project. This rationale conveniently ignores the fact that the main stem dams also carry associated costs.

South Dakota has borne the lions share of that cost with the forfeiture of over 520,000 acres of rich farm bottomland. Moreover, my State was promised compensation in the way of the construction of irrigation projects for hundreds of thousands of acres of land, a promise that has never been kept.

Now the Corps of Engineers is proposing to force North and South Dakota, the two States which lost the most through the construction of the dams, to pay for the whole system through a storage fee. The inconsistency and inequity of this policy is striking. Downstream flood control, irrigation, and navigational interests are not similarly being asked to share the cost of the main stem system.

It is also important to point out that neither WEB nor the Southwest project is dependent, in whole or in part, on the existence of the main stem reservoirs. The amount of water that will be taken from the Missouri River for municipal and industrial use by WEB is about one-fifth of the total evaporation of the reservoir in a given year.

Mr. Chairman, the committee's language is very simple and fair. Any water supplier that withdraws, for municipal and industrial uses, an amount of water that does not exceed the natural flows of the river at the point of withdrawal cannot be charged any fee by the Federal Government for the use of that water. This clearly is the only reasonable way to deal with the problem.

WEB will draw a very small amount of water from the Missouri River and could easily be drawing the same amount from the natural riverbed if the Oahe reservoirs were not in existence. We consider use of the natural flows to be a birthright as citizens of the State. It is a great irony that South Dakota, which sacrificed over 520,000 acres of farmland with the construction of the main stem dams and reservoirs, is now being asked to pay for the privilege of drawing its small daily supply of drinking water while other downstream interests are getting a virtual free ride. The administration's storage fee proposal is inconsistent and very unfair to rural water users. I urge the adoption of this amendment to stop the corps plan now.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Jersey [Mr. ROE], as modified.

The amendments, as modified, were agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SHUMWAY

Mr. SHUMWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUMWAY: Section 109(a)(1)(A)(ii) of H.R. 3670 is amended by striking the word "and" after the ";" and inserting in lieu thereof the word "or", and inserting a new subparagraph "(iii)" immediately thereafter reading as follows:

" '(iii) to recover the market value at the time of contribution for non-Federal contributions made in the form of lands, easements, rights-of-way, relocations, and dredge spoil disposal areas for port navigation projects constructed before enactment of this Act; and".

Mr. SHUMWAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHUMWAY. Mr. Chairman, this bill, as it is presently drafted, gives ports the authority to recover all non-Federal cost-sharing contributions through the assessment of fees and dues. I think this is a good and necessary authority because ports are highly competitive, and as such, I think need that discretionary free-market oriented kind of authorization.

But the bill does not give ports which have, in the past, undertaken port navigation projects the same kind of authority for recovery of non-Federal contributions. Although ports presently can, and sometimes do, legally charge fees to recover these costs, the lack of clear-cut legal authority has often tempted beneficiaries to raise legal challenges against such fees designed for recovery of these specific costs.

The costs of ports, in turn, of meeting these legal challenges; although their legal authority has been borne out in decisions of the courts and the Federal Maritime Commission, has proved to be a disincentive for ports to even exercise their authority. The result has tied the hands of many port directors in trying to remain competitive.

My amendment, therefore, Mr. Chairman, seeks to provide ports that particular authority. I think it should be noncontroversial because it does not spend a single Federal dollar. It simply clarifies the present legal authority for ports in assessing port fees and harbor dues, and I believe by reinforcing this existing authority and giving this flexibility to ports we will inject greater free-market conditions, which will help our ports, including the ones in this bill which are subject to the new cost-sharing requirements.

To the extent that ports have had to amortize these costs in the past, they have had to do so by offsetting these costs from general port fees. This often means, Mr. Chairman, that ports have had to either absorb these costs totally on their own, with a commensurate reduction in profit, or everyone who does business with the port, that is to say, not just the direct beneficiaries, but all of those, somehow have had to pay for these costs through general fees.

I think that is an inequitable situation, Mr. Chairman, and I think we should provide a clear provision in this law for ports to recoup those expenses which they have provided for Federal projects in the past to put them on an equal competitive basis with those who will receive projects through this bill and in the future.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I yield to the gentleman from New York.

□ 1140

Mr. BIAGGI. I thank the gentleman.

Mr. Speaker, I would inquire of the gentleman, this is an amendment to title I? Is that correct?

Mr. SHUMWAY. It is; to title I.

Mr. BIAGGI. What effect does it have? The costs that are done retroactively, it would be the same process that we have been using prospectively.

Mr. SHUMWAY. The gentleman is correct.

Mr. BIAGGI. So that the user fees could be applied to the cost that the ports have already expended in their development. It would be the same thing we will be doing in the future?

Mr. SHUMWAY. That is exactly correct.

Mr. BIAGGI. I have no objection to it.

Mr. SHUMWAY. I appreciate the chairman's remarks. It simply gives those ports the discretion. It does not mandate upon them any requirement to go back and recoup those fees. But if they want to exercise that discretion, this amendment would open that door to them.

Mr. Chairman, I think that it is a fair amendment and one which will put all of the ports on an equal footing. It is an amendment which is supported by the American Association of Port Authorities. I think it is totally consistent with the provisions regarding future port projects which are already contained within this legislation. I, therefore, urge the adoption of the amendment.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield further?

Mr. SHUMWAY. I yield to the gentleman.

Mr. BIAGGI. I thank the gentleman.

I have no problem with the concept, but the question that comes up in my mind is when you say retroactive, how far back do you go? There is no date certain. Is there a date certain?

Mr. SHUMWAY. We wondered whether we should go back for a particular period of time and limit it in terms of its retroactivity, but what we found, I would say to the gentleman from New York, is that in antiquity, ports have already resolved these fees or else they did not advance them as part of Federal projects.

It seems to me that in its operative effect this amendment would only go back into the recent past. It would not go back into the ancient past. It just seemed inappropriate to draw a line as to where it might cut off or otherwise be affected.

Mr. BIAGGI. If the gentleman will continue to yield, I would say recent past, that still is not specific enough. That is my only concern. I am sure the chairman, Mr. ROE, has some additional comments in that regard.

Mr. SHUMWAY. I appreciate the gentleman's concern in that regard but I would just say in response that in practical effect, it will be the recent past without drawing a particular line as to what the timeperiod may be. That was a difficult decision to make, and I am sure the gentleman can appreciate that.

Mr. ROE. Mr. Chairman, I rise in opposition to the amendment.

I have the highest regard for the gentleman who has presented this proposed amendment, and I know of his extraordinary work in the House. His concern has been of great help to us in developing our port program.

I have to call out to the Members on this issue so they understand it. In view of the fact that this particular language does not give any dimentions. It says retroactivity ad infinitum. That means that anything, from my interpretation of the amendment and reviewing it, anything that has happened any time at any port during any work whatsoever, in lands, easements, right-of-ways, could be totally without dimensions in price, if you like, and that they would be considered a credit offset against what the new fee charges would be.

This could amount to billions of dollars. We have absolutely no idea how to interpret what the order of magnitude of that retroactivity would be. So I would suggest that the gentleman may wish to withdraw this amendment in view of that deficiency, and maybe offer a suggestion which our committee would accept that the corps would be directed to study the potential of this amendment and report back in a year. That, we would certainly be willing to accommodate the gentleman on. But if we were to accept this amendment, basically without a lot of additional information, we would be going back to the time when ports began. You could be talking about countless billions of dollars of credit offsets, and it would knock out the entire cost-sharing mechanism that has been devised from the port system.

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman.

Mr. SHUMWAY. I am not sure what the chairman means by credit offsets. What my amendment purports to do is simply give those ports that have expended moneys in the past in connection with a Federal project in their ports, to go back now and recover them.

Mr. ROE. Yes; I understand that.

Mr. SHUMWAY. Recover them from those who benefit from them. It would be the shippers, the other beneficiaries of any kind of port-deepening project.

If, in their discretion, they feel it would make them noncompetitive to go back and recover those costs, they certainly would not do so.

Mr. SNYDER. Mr. Chairman, will the gentleman, yield?

Mr. ROE. I yield to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentleman for yielding.

Mr. Chairman, section 109 of the substitute grants congressional consent to non-Federal interests to levy port and harbor dues—including duties of tonnage—to recoup the additional non-Federal share of port dredging costs which would be required under section 105 of the bill. As contained in the substitute, section 109 represents the culmination of a great deal of thoughtful analysis and construction, primarily by the Committee on Merchant Marine and Fisheries, with the Public Works Committee playing a secondary role.

Clauses 2 and 3 of section 10 of article I of the U.S. Constitution expressly prohibit the levy of duties of tonnage except with the consent of Congress. Section 109 grants that consent in recognition that non-Federal interests, particularly ports, may require additional revenue-raising devices in order to recoup costs for port dredging which, until now, have been entirely a Federal responsibility. That is a monumental change in policy—one of sever-

al in this bill—which is why section 109 has been drafted as it has.

Mr. Chairman, I see no such extraordinary circumstance attaching to the amendment offered by the gentleman from California. Lands, easements, and rights-of-way have traditionally been a non-Federal responsibility in the construction of a variety of water-related projects, not just port dredging. As such, all ports that have had channel work completed under the traditional cost-sharing rules have done so with the full realization that they were expected to absorb those costs. I suspect, as I am certain many of you do, that in most cases the ports and other non-Federal interests have recovered most or all of those costs under the types of docking fees, terminal leases and other means which they have traditionally employed as revenue-raising devices. They don't need this amendment in order to continue to be able to do so.

The Members are being asked to legislate extraordinary measures to address simply ordinary revenue needs. I submit that such a sweeping policy change is not warranted or desirable. I see great potential for abuse as well Mr. Chairman, in that we may well be granting ports the means to raise revenues to recoup expenses which by now have been long amortized or retired. All this would be accomplished on the backs of vessel owners and operators who, everyone knows, aren't exactly in the economic shape to withstand additional costs of this nature or possible magnitude.

I urge a "no" vote on the gentleman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. SHUMWAY].

The amendment was rejected.

MODIFICATION OF AMENDMENT

Mr. GRAY of Illinois. Mr. Chairman, I ask unanimous consent that in the amendment which adds a new section at the end of title XI relating to Devil's Kitchen Lake project, that the word "surplus" be struck from such amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LOWRY of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the Merchant Marine Committee when we were working on this bill, the committee unanimously adopted an amendment called the antidiversion amendment.

For the purpose of making sure that American ports were not put at a competitive disadvantage because of the fee called for in this legislation; for cargo that would be ending up its last destination in Canada or in Mexico, or for cargo that would be starting in the United States and going out of a port in either of Canada or Mexico. The reason being that the American ports would be paying the fee and the Canadian and the Mexican ports would not be paying the fee.

So in that case, and in only that particular cargo, the amendment that I offered in the Merchant Marine Committee that was unanimously adopted, would exempt that cargo only from the fees so that our ports would not be put at a competitive disadvantage.

Because of the rules on the floor, that amendment is not in order at this time because it is a fee and that is a Ways and Means Committee jurisdiction, and that amendment is not in order. I am told that the other body will consider taking up that amendment, and I would like to enter into a colloquy with the distinguished chairman of the subcommittee, who I would like to compliment for this yeoman work, as well as the distinguished subcommittee ranking minority and full committee ranking minority member and the full committee chairman, who I really think have done a good job on this bill, but we have a serious problem.

So if I could engage for just about 2 minutes with the distinguished subcommittee chairman. The ports of Seattle and Tacoma and many other American ports would be placed at an artificial competitive disadvantage by the application of the national uniform user fee, or tax, in this legislation. These ports are in constant competition with neighboring foreign ports for American cargo and for Canadian and Mexican cargo. In the case of Seattle, 725,000 tons of cargo moved through the port that was either bound for or coming from Canada in trade with third countries. Application of the user fee, or tax, would add up to $55 per container in shipping costs to move a container through the port of Seattle. Port personnel indicate that shipping cost differentials of as little as $15 or $20 could make the difference between choosing Seattle over a Canadian port. In addition, Canadian ports are already diverting $7 billion of American cargo through their ports for delivery into the United States by truck or rail.

My amendment would have exempted from the fee, or tax, any cargo using American ports either for imports to or exports from Canada or Mexico in third country trade. In return, the fee, or tax, would be applied to all American cargo diverted through Canadian or Mexican ports.

Mr. Chairman, do you believe that this amendment is consistent with the overall concept of the national uniform user fee, or tax, as adopted in this bill?

□ 1150

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. LOWRY of Washington. I yield to the distinguished subcommittee chairman.

Mr. ROE. Mr. Chairman, I think the gentleman makes a very good point. The answer to the question is "Yes." We did not intend to put any American port at a competitive disadvantage through application of the fee.

Mr. LOWRY of Washington. I thank the subcommittee chairman. I understand that the other body may include provisions similar to the amendment I had in the Committee on Merchant Marine and Fisheries in their version of the water resources bill. Would the gentleman support inclusion of such provisions in the conference report?

Mr. ROE. Yes, I would, I say in response to the distinguished gentleman, because I think his cause is just and I think it is important to the competitive advantage of our own ports in the United States.

Mr. LOWRY of Washington. Mr. Chairman, I thank the subcommittee chairman very much, and again I compliment him and the other members of the committee for their work on this bill.

Mr. WYLIE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do this in order to explain, if I may, an amendment which was part of a package offered by the gentleman from New Jersey [Mr. ROE] a little while ago. The amendment which he offered on my behalf would strike language similar to language contained in the omnibus water resources bill which passed the House last year and did not pass the other body.

Meanwhile, under the Federal Property and Administrative Services Act, which provides for the sale of Government real surplus property, this land was sold to the Columbus Metropolitan Park District in December of last year, and the original cost plus some interest was recovered from the sale of the land.

I am pleased to report today, Mr. Chairman, that the Federal Government is happy, that the Metropolitan Park District is happy, and the citizens of central Ohio are pleased to have this beautiful recreational facility available as a wildlife refuge.

I could never say enough in the way of thanks to the gentleman from New Jersey [Mr. ROE] and his staff for the extraordinary assistance which he and they provided to make this wonderful result come about. I wanted to publicly say that here on the House floor, and also to express the appreciation I feel to the gentleman from New Jersey [Mr. HOWARD] and the gentleman from Kentucky [Mr. SNYDER] for their approval of this procedure. It was ap-

propriate to strike the language which was stricken from the bill, as it no longer applies, and I thank the gentleman for taking care of that.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I would like to respond to the generosity of the gentleman's comments. I know as far as our committee is concerned that he has always been right there helping us all the time. We are pleased that it worked out. The gentleman has a formula, perhaps, that we have not understood yet. He gets things done. It takes us a little bit longer, and we compliment him for the job he has achieved.

Mr. WYLIE. It would not have happened without the help of the gentleman, and again I thank you very much. In this case a very wonderful, extraordinary result occurred, and everybody involved was pleased about the effect of it.

Mr. ROE. Mr. Chairman, I thank the distinguished gentleman.

Mr. MOORE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the subcommittee, Mr. ROE, concerning the Mississippi River ship channel project which is in section 101 of H.R. 6.

Mr. ROE. If the gentleman will yield, I would be happy to engage in a colloquy with the gentleman from Louisiana.

Mr. MOORE. Mr. Chairman, as you know, the bill would provide authorization for six deep draft navigation projects, including the proposed deepening of the Mississippi River ship channel to a depth of 55 feet. It is my understanding that the Chief of Engineers has reported favorably on deepening the Mississippi River all the way to Baton Rouge based on his finding that, from a national perspective, the project would produce economic benefits which are over eight times the proposed cost of the project.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the subcommittee chairman.

Mr. ROE. The gentleman is correct. The plan recommended by the Army Corps of Engineers calls for deepening the channel from the mouth of the Mississippi to Baton Rouge as the preferred project alternative with a current benefit to cost ratio of 8.2 to 1.

Mr. MOORE. It is also my understanding that the committee conducted hearings on this issue and heard testimony from the corps, Members of Congress and other affected interest groups.

Mr. ROE. That is correct, the subcommittee heard extensive testimony on this project in the summer of 1982 and has continued to monitor this project since then.

Mr. MOORE. Based on that review of the project, I understand that the Subcommittee on Water Resources and the Committee on Public Works is recommending authorization of the project all the way to Baton Rouge at a depth of 55 feet and that the committee intends that the entire project should be built.

Mr. ROE. The gentleman from Louisiana is correct. Having reviewed this project in depth, it is the view of the committee that construction of the entire project to Baton Rouge is not only justified but that from a national perspective, it is the preferred approach.

Mr. MOORE. Mr. Chairman, I thank the subcommittee chairman for entering into this colloquy with me, and I thank him and the members of the subcommittee for their work on this important project.

TITLE II—INLAND WATERWAY TRANSPORTATION SYSTEM

SEC. 201. (a) The following works of improvement for the benefit of navigation are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines are advisable in any case in which there is no report designated. The Secretary shall complete each such work of improvement not later than seven years after the date on which funds are first appropriated for such project.

OLIVER LOCK AND DAM, BLACK WARRIOR-TOMBIGBEE RIVER, ALABAMA

Construction of a lock and dam to replace the William Bacon Oliver Lock and Dam, Black Warrior-Tombigbee River, Alabama: Report of the Chief of Engineers, dated September 26, 1984, at an estimated cost of $158,000,000.

GALLIPOLIS LOCKS AND DAM REPLACEMENT, OHIO RIVER, OHIO AND WEST VIRGINIA

The project for navigation, Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia: Report of the Chief of Engineers, dated April 8, 1982, and Supplemental Report of the Chief of Engineers, dated August 13, 1983, at an estimated cost of $260,000,000.

WINFIELD LOCKS AND DAM, KANAWHA RIVER, WEST VIRGINIA

Construction of improvements to, and an additional lock in the vicinity of, the Winfield Locks and Dam, Kanawha River, West Virginia, and acquisition of lands for fish and wildlife mitigation in such vicinity, at an estimated cost of $134,000,000. The Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

LOCK AND DAM 7 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA

The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated September 24, 1984, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at an estimated cost of $95,000,000.

LOCK AND DAM 8 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA

The project for navigation, Lock and Dam 8 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated September 24, 1984, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at an estimated cost of $68,000,000.

LOCK AND DAM 26, MISSISSIPPI RIVER, ALTON, ILLINOIS AND MISSOURI

Construction of a second lock having a length of 600 feet at lock and dam 26, Mississippi River, Alton, Illinois, and Missouri at an estimated cost of $245,000,000.

BONNEVILLE LOCK AND DAM, OREGON AND WASHINGTON—COLUMBIA RIVER AND TRIBUTARIES, WASHINGTON

The project for navigation, Bonneville Lock and Dam, Oregon and Washington—Columbia River and Tributaries, Interim Report: Report of the Chief of Engineers, dated March 14, 1980, and the Supplement thereto, dated February 10, 1981, at an estimated cost of $191,000,000. Dredged material from the project shall be disposed of at such sites considered by the Secretary to be appropriate to the extent necessary to prevent damage to the Blue Heron rookery on Pierce and Ives Islands. No construction shall take place on Pierce and Ives Islands during the heron nesting period. The Secretary shall establish a bioengineering committee to review plans for the project, recommend measures to minimize adverse affects of the project, and develop a mitigation plan for the project. Such committee shall include representatives of the Corps of Engineers, the contractor for construction of the project, and appropriate State and Federal agencies.

(b) If any provision in any report designated by subsection (a) recommends that a State contribute in cash 5 percent of the construction costs allocated to non-vendible project purposes and 10 percent of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 202. (a) Two-thirds of the cost of construction of the general navigation features, including but not limited to, channels, locks, dams, and turning basins, of each project authorized by this title shall be paid only from amounts appropriated from the general fund of the Treasury. One-third of such cost shall be paid only from amounts appropriated from the Inland Waterways Trust Fund. For purposes of this subsection, the term "construction" shall include planning, designing, engineering, and surveying, the acquisition of all lands, easements, and rights-of-way necessary for the project, in-

cluding lands for disposal of dredged material, and relocations (other than relocations described in subsection (b)) necessary for the project.

(b) One-third of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line (1) the relocation of which is necessary for construction, operation, and maintenance of a project authorized by this title, and (2) which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be paid only from amounts appropriated from the general fund of the Treasury. One-sixth of such cost shall be paid only from the Inland Waterways Trust Fund. The remainder of such cost shall be paid by the owner of the facility being relocated.

(c) Any Federal responsibility with respect to a project authorized by this title which responsibility is not provided for in subsection (a) or (b) of this section shall be paid only from amounts appropriated from the general fund of the Treasury.

SEC. 203. There is authorized to be appropriated for fiscal years beginning after September 30, 1985, such sums as may be necessary from the general fund of the Treasury and from the Inland Waterways Trust Fund to pay the costs specified in section 202.

The CHAIRMAN. Are there amendments to title II of the bill?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—FLOOD CONTROL

SEC. 301. (a) The following works of improvement for the control of destructive floodwaters are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines are advisable in any case in which there is no report designated.

QUINCY COASTAL STREAMS, MASSACHUSETTS

The project for flood control, Quincy Coastal Streams, Massachusetts (Town Brook Interim): Reports of the Chief of Engineers, dated December 14, 1981 and December 13, 1984, at an estimated cost of $20,630,000.

ROUGHANS POINT, MASSACHUSETTS

The project for flood control, Roughans Point, Revere, Massachusetts: Report of the Chief of Engineers, dated May 4, 1985, at an estimated cost of $6,990,000.

CAZENOVIA CREEK, NEW YORK

The project for flood control, Cazenovia Creek Watershed, New York: Report of the Chief of Engineers, dated September 8, 1977, House Document Numbered 96-126, at an estimated cost of $2,360,000. Such project shall include features necessary to enable the project to serve as a part of a streamside trail system if the Secretary determines such features are compatible with the project purposes.

MAMARONECK, SHELDRAKE, AND BYRAM RIVERS, NEW YORK AND CONNECTICUT

The project for flood control, Mamaroneck and Sheldrake River Basins, New York and Connecticut, and Byram River Basin, New York and Connecticut: Report of the Chief of Engineers, dated April 4, 1979, at an estimated cost of $52,400,000. Such project shall include flood protection for the town of Mamaroneck as recommended in the report of the Division Engineer, North Atlantic Division, dated March 28, 1978.

RAHWAY RIVER AND VAN WINKLES BROOK, NEW JERSEY

The project for flood control, Rahway River and Van Winkles Brook at Springfield, New Jersey: Report of the Chief of Engineers, dated October 24, 1975, House Document Numbered 96-20, at an estimated cost of $12,500,000.

ROBINSON'S BRANCH—RAHWAY RIVER, NEW JERSEY

The project for flood control, Robinson's Branch of the Rahway River at Clark, Scotch Plains, and Rahway, New Jersey: Report of the Chief of Engineers, dated October 10, 1975, House Document Numbered 96-21, at an estimated cost of $20,000,000.

GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY

The project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $137,000,000. Such project shall include flood protection for the upper Green Brook Sub-basin and the Stony Brook tributary, as described in plan A in the report of the District Engineer, New York District, dated August 1980.

JAMES RIVER BASIN, VIRGINIA

The project for flood control, James River Basin, Richmond, Virginia: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of $93,300,000. Such project shall include flood protection for the Richmond municipal wastewater treatment facility, as recommended in the report of the District Engineer, Norfolk District, dated September 1980.

OATES CREEK, GEORGIA

The project for flood control, Oates Creek, Georgia: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $9,430,000. Such project shall include (1) measures determined by the Secretary to be necessary and appropriate to minimize pollution of shallow ground and surface waters which may result from construction of the project, and (2) planting of vegetation along the channel for purposes of enhancing wildlife habitat.

VILLAGE CREEK, ALABAMA

The project for flood control, Village Creek, Jefferson County, Alabama: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of $21,000,000.

THREEMILE CREEK, ALABAMA

The project for flood control, Threemile Creek, Mobile, Alabama: Report of the Chief of Engineers, dated April 20, 1984, at an estimated cost of $13,300,000. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1982, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

BUSHLEY BAYOU, LOUISIANA

The project for flood control, Bushley Bayou, Louisiana: Reports of the Chief of Engineers, dated April 30, 1980, and August 12, 1982, at an estimated cost of $42,500,000.

LOUISIANA STATE PENITENTIARY LEVEE

The project for flood control, Louisiana State Penitentiary Levee, Mississippi River, Louisiana: Report of the Chief of Engineers, dated December 10, 1982, at an estimated cost of $20,400,000. No acquisition of land for or actual construction of the project may be commenced until appropriate non-Federal interests shall agree to undertake measures to minimize the loss of fish and wildlife habitat lands in the project area.

SOWASHEE CREEK, MERIDIAN, MISSISSIPPI

The project for flood control, Sowashee Creek, Meridian, Mississippi: Report of the Chief of Engineers, dated February 25, 1985, at an estimated cost of $12,300,000.

NONCONNAH CREEK AND ST. JOHNS CREEK, TENNESSEE AND MISSISSIPPI

The project for flood control, Nonconnah Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of $18,500,000. The improvements for St. Johns Creek and tributaries shall be included as a separate part of the project and shall be constructed by the United States Department of Agriculture Soil Conservation Service, at an estimated cost of $19,500,000, in accordance with the recommendations of the State Conservationist as contained in the report, Nonconnah Creek and Tributaries, Tennessee and Mississippi, dated September 1981. Subsection (f) of this section shall not apply to such improvements. The project shall include an evaluation of fish and wildlife losses which may result from construction of the project and such additional measures as the Secretary deems necessary and appropriate to mitigate such losses. The Secretary shall adopt and implement guidelines in connection with clearing and snagging as the Secretary determines necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI

The project for flood control, Horn Lake Creek and Tributaries, including Cow Pen Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated January 4, 1983, at an estimated cost of $2,400,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall (1) reexamine the adequacy and feasibility of the recommended measures for fish and wildlife habitat, and (2) reexamine upland dredged disposal alternatives. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment

and Public Works of the Senate. The Secretary shall also adopt and implement such guidelines in connection with channel clearing and drift removal for the project as the Secretary, in consultation with the Fish and Wildlife Service, determines are necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

ISLAND CREEK BASIN, WEST VIRGINIA

The project for flood control, Island Creek Basin, in and around Logan, West Virginia: Report of the Division Engineer, dated April 3, 1985, at an estimated cost of $70,000,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

MUSKINGUM RIVER, KILLBUCK, OHIO

The project for flood control, Muskingum River, Killbuck, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96-117, at an estimated cost of $5,100,000.

MUSKINGUM RIVER, MANSFIELD, OHIO

The project for flood control, Muskingum River, Mansfield, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96-117, at an estimated cost of $3,000,000.

HOCKING RIVER, LOGAN, OHIO

The project for flood control, Hocking River at Logan, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at an estimated cost of $6,460,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

HOCKING RIVER, NELSONVILLE, OHIO

The project for flood control, Hocking River at Nelsonville, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at an estimated cost of $7,040,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

SCIOTO RIVER, OHIO

The project for flood control, Scioto River at North Chillicothe, Ohio: Reports of the Chief of Engineers, dated September 4, 1981 and February 1, 1985, at an estimated cost of $8,990,000.

LITTLE MIAMI RIVER, OHIO

The project for flood control, Miami River, Little Miami River, Interim Report Number 2, West Carrollton-Holes Creek, Ohio: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $6,630,000.

MIAMI RIVER, FAIRFIELD, OHIO

The project for flood control, Miami River, Fairfield, Ohio: Report of the Chief of Engineers, dated June 22, 1983, at an estimated cost of $10,500,000. To the extent the Secretary, in consultation with appropriate Federal, State, and local agencies, determines necessary and appropriate, the project shall include additional measures for mitigation of losses of fish and wildlife habitat, including seeding and planting in disturbed areas, limiting removal of riparian vegetation to the minimum amount necessary for project objectives, performing work along the north streambank where construction is planned on only one side of the channel, limiting construction activities to the right streambank in the reach of Pleasant Run extending from mile 2.75 to mile 3.10, the use of gabions and riprap for bank protection in lieu of concrete, and the inclusion of pool-riffle complexes at bridges. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after July 1, 1979, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

HARRISBURG, PENNSYLVANIA

The project for flood control, Harrisburg, Pennsylvania: Report of the Chief of Engineers, dated May 16, 1979, at an estimated cost of $103,000,000, including such modifications and additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. To the extent the Secretary, in consultation with appropriate Federal, State, and local agencies, determines necessary and appropriate, the project shall include (1) a low-flow channel or fishway in both the improved earth channel and the concrete channel portion of the project, (2) utilization of sloping side sections in the concrete channel, and (3) modifications to bridges crossing Paxton Creek to prevent damming of the creek. The project shall include the cost of any relocation required for geodetic control survey monuments. The Secretary shall study the feasibility of providing a floodway along Paxton Creek between Wildwood Lake and Maclay Street as an alternative to the recommended plan and shall reexamine fish and wildlife habitat mitigation measures recommended in the report of the Chief of Engineers. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study and reexamination, along with recommendations for any modifications in the project which the Secretary determines to be feasible and appropriate to construct such floodway and for any additional measures which the Secretary determines to be necessary and appropriate to reduce fish and wildlife habitat losses in the project area. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

LOCK HAVEN, PENNSYLVANIA

The project for flood control, Lock Haven, Pennsylvania: Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of $66,700,000. The project shall be constructed to provide protection at least sufficient to prevent any future flood losses to the city of Lock Haven, Pennsylvania, from flooding equivalent to a level of flooding 50 percent greater than the level of flooding which occurred as a result of tropical storm Agnes in 1972. The Secretary shall include as part of the non-Federal contribution of the project any work carried out by non-Federal interests after January 1, 1973, which the Secretary determines is reasonably compatible with the project. Cost and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

SCHUYLKILL RIVER BASIN, POTTSTOWN, PENNSYLVANIA

The project for flood control and other purposes for Pottstown and vicinity, Schuylkill River Basin, Pennsylvania: Report of the Chief of Engineers, dated March 7, 1974, House Document Numbered 93-321, at an estimated cost of $4,590,000. The Congress hereby finds that the application of the provisions of section 209 of the Flood Control Act of 1970 result in the benefits from flood control measures authorized by this paragraph exceeding their economic costs.

SAW MILL RUN, PENNSYLVANIA

The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania: Report of the Chief of Engineers, dated January 30, 1978, House Document Numbered 96-25, at an estimated cost of $30,100,000, including construction of the portion of the Saw Mill Run relief sewer in the city of Pittsburgh, Pennsylvania, beginning at the northern boundary of Woodruff Street and ending at the point where Saw Mill Run Creek crosses the southern boundary of such city.

WYOMING VALLEY, PENNSYLVANIA

The project for flood control, Wyoming Valley, Pennsylvania: Report of the Chief of Engineers, dated October 19, 1983, at an estimated cost of $218,000,000.

EIGHT MILE CREEK, PARAGOULD, ARKANSAS

The project for flood control, Eight Mile Creek, Paragould, Arkansas: Report of the Chief of Engineers, dated August 10, 1979, including improvement of Fifteen Mile Bayou and tributaries as recommended by the District Engineer and the Mississippi River Commission in reports dated February 1978 and May 24, 1977, respectively, at an estimated cost of $14,200,000.

FOURCHE BAYOU BASIN, ARKANSAS

The project for flood control, Fourche Bayou Basin, Little Rock, Arkansas: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $22,800,000.

HELENA AND VICINITY, ARKANSAS

The project for flood control, Helena and Vicinity, Arkansas: Report of the Chief of Engineers, dated June 22, 1983, at an estimated cost of $11,200,000.

WEST MEMPHIS AND VICINITY, ARKANSAS

The project for flood control, West Memphis and Vicinity, Arkansas: Report of the Chief of Engineers, dated September 7, 1984, at an estimated cost of $19,900,000.

MINGO CREEK, OKLAHOMA

The project for flood control, Mingo Creek, Tulsa, Oklahoma: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of $93,200,000. The project shall include measures determined appropriate by the Secretary, after consultation with the city of Tulsa, to minimize adverse effects associated with the use of flood water detention sites for the project.

FRY CREEKS, OKLAHOMA

The project for flood control, Fry Creeks, Oklahoma: Report of the Chief of Engineers, dated September 7, 1983, at an estimated cost of $9,100,000, except that the

Secretary shall acquire a total of 20 acres of land for mitigation of fish and wildlife losses and such lands, to the extent feasible, shall be contiguous and shall be in a corridor not less than 50 feet wide.

MALINE CREEK, MISSOURI

The project for flood control, Maline Creek, Missouri: Report of the Chief of Engineers, dated November 2, 1982, at an estimated cost of $44,800,000.

ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI

The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri: Report of the Chief of Engineers, dated January 4, 1983, at an estimated cost of $76,200,000, except that the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 1104 of this Act and except that lands acquired by the State of Missouri after January 1, 1982, for mitigation of damage to fish and wildlife within the Ten Mile Pond mitigation area shall be counted as part of the total quantity of mitigation lands required for the project and shall be maintained by such State for such purpose.

STE. GENEVIEVE, MISSOURI

The project for flood control, Ste. Genevieve, Missouri: Report of the Board of Engineers for Rivers and Harbors, dated April 16, 1985, at an estimated cost of $29,400,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. Congress finds that, in view of the historic preservation benefits resulting from the project, the overall benefits of the project exceed the costs of the project.

BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS

The project for flood control, Brush Creek and Tributaries, Missouri and Kansas: Report of the Chief of Engineers, dated January 3, 1983, at an estimated cost of $12,300,000. The project shall include, at an estimated additional cost of $700,000, replacement of the Kansas City Public Service Railway Bridge recommended for removal as part of the project if the Secretary determines, before the acquisition of any land for or the actual construction of the project, that appropriate non-Federal interests will use the bridge as part of a regional public transportation system in the ten-year period following initiation of the project.

CAPE GIRARDEAU, MISSOURI

The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri: Report of the Chief of Engineers, dated December 8, 1984, at an estimated cost of $18,700,000, except that the project shall include the nonstructural measures recommended in the Report of the Division Engineer, dated January 3, 1983.

HALSTEAD, KANSAS

The project for flood control, Halstead, Kansas: Report of the Chief of Engineers, dated May 8, 1979, at an estimated cost of $6,100,000, including the acquisition of such additional lands and access points as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the need for additional lands for mitigation of fish and wildlife losses caused by the project and the need for additional access points to the Little Arkansas River. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

UPPER LITTLE ARKANSAS RIVER, KANSAS

The project for flood control, Upper Little Arkansas River Watershed, Kansas: Report of the Chief of Engineers, dated December 18, 1983, at an estimated cost of $9,590,000.

ROCK RIVER, ILLINOIS

The project for flood control, Rock River, Rockford and Vicinity, Illinois (Loves Park Interim): Report of the Chief of Engineers, dated September 15, 1980, at an estimated cost of $23,400,000. The project shall include flood protection measures along Small Unnamed Creek, as described in the Interim Report of the District Engineer, Rock Island, dated February 1979. Before the acquisition of land for or the actual construction of the project the Secretary shall study the probable affects of the project on existing recreational resources in the project area and, as part of the project, shall undertake such measures as he determines necessary and appropriate to mitigate any adverse effects on such recreation resources.

GREEN BAY LEVEE AND DRAINAGE DISTRICT NUMBER 2, IOWA

The project for flood control, Mississippi River, Coon Rapids Dam to Ohio River, Green Bay Levee and Drainage District Number 2, Iowa: Report of the Chief of Engineers, dated October 21, 1981, except that borrow material for the project shall be obtained from the island source as recommended by the District Engineer, Rock Island District, in his report dated November 1978, and revised November 1979, at an estimated cost of $5,550,000.

SOUTH QUINCY DRAINAGE AND LEVEE DISTRICT, ILLINOIS

The project for flood control, South Quincy Drainage and Levee District, Illinois: Report of the Chief of Engineers, dated January 24, 1984, at an estimated cost of $10,800,000. The Secretary shall, to the extent feasible, obtain borrow material from sites in the main channel of the Mississippi River and place fill material on the landward side of the existing levee in order to protect wildlife habitat.

NORTH BRANCH OF CHICAGO RIVER, ILLINOIS

The project for flood protection for the North Branch of the Chicago River, Illinois: Report of the Chief of Engineers, dated October 29, 1984, at an estimated cost of $16,700,000. In recognition of the flood damage prevention benefits provided in the North Branch of the Chicago River, Illinois Basin, by the Techny Reservoirs constructed by non-Federal interests on the West Fork of the North Branch of the Chicago River and by the Mid Fork Reservoir and the Mid Fork Pumping Station constructed by non-Federal interests on the Middle Fork of the North Branch of the Chicago River, the Secretary shall, subject to such amounts as are provided in appropriation Acts, reimburse non-Federal interests for an amount equal to 75 per centum of the costs of planning and construction of such reservoirs and pumping station.

LITTLE CALUMET RIVER, INDIANA

The project for flood control, Little Calumet River, Indiana: Report of the Chief of Engineers, dated July 2, 1984, except that such project shall be carried out substantially in accordance with the Report of the Division Engineer, dated October 12, 1982, at an estimated cost of $60,900,000.

LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH), INDIANA

The project for flood control, Little Calumet River Basin (Cady Marsh Ditch), Indiana, designated as Plan D as described in the Final Feasibility Report of the District Engineer, dated April 1984, at an estimated cost of $4,530,000.

PERRY CREEK, IOWA

The project for flood control, Perry Creek, Iowa: Report of the Chief of Engineers, dated February 4, 1982, House Document Numbered 98-179, at an estimated cost of $31,000,000.

MUSCATINE ISLAND, IOWA

The project for flood control, Muscatine Island Levee District and Muscatine-Louisa County Drainage District No. 13, Iowa: Report of the Chief of Engineers, dated July 22, 1977, at an estimated cost of $12,700,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall reexamine the drainage system recommended in the report of the Chief of Engineers and the feasibility of obtaining material for the levee from upland rather than aquatic sources in order to minimize adverse effects on fish and wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to minimize adverse effects of the project on Spring Lake and on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

DES MOINES RIVER BASIN, IOWA AND MINNESOTA

The project for flood control, Des Moines River Basin, Iowa and Minnesota: Report of the Chief of Engineers, dated July 22, 1977, at an estimated cost of $11,300,000. Before the acquisition of any interest in real property for or the actual construction of the project, the Secretary shall, in consultation with appropriate Federal, State, and local agencies, study the feasibility of minimizing

increased flood stages along Jordon Creek in the vicinity of the Chicago, Rock Island and Pacific Railroad Bridge and the implementation of nonstructural and structural flood plain management techniques along the reach of Walnut Creek, including the improvement of channel capacity in the vicinity of Grand Avenue. In addition, the Secretary shall, in consultation with appropriate Federal, State, and local agencies, review the location of river access points and boat ramps. The Secretary is authorized to undertake such additional measures as he determines necessary and appropriate to carry out the results of such study and review.

REDWOOD RIVER, MINNESOTA

The project for flood control, Redwood River at Marshall, Minnesota: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of $3,650,000.

ROOT RIVER BASIN, MINNESOTA

The project for flood control, Root River Basin, Minnesota: Report of the Chief of Engineers, dated May 13, 1977, House Document Numbered 96-17, at an estimated cost of $7,680,000.

SOUTH FORK ZUMBRO RIVER, MINNESOTA

The project for flood control, South Fork Zumbro River Watershed at Rochester, Minnesota: Report of the Chief of Engineers, dated February 23, 1979, House Document Numbered 96-115, at an estimated cost of $55,000,000. Notwithstanding such report and any other provision of law (including section 302 of this title), the Federal share of the cost of the project shall be determined in accordance with such section, except that non-Federal interests shall not be required before and during construction of the project to provide lands, easements, and rights-of-way necessary for changes to highway bridges and foot bridges and approaches to such bridges, and to make relocations of utilities, structures, and other improvements necessary for such changes.

MISSISSIPPI RIVER AT ST. PAUL, MINNESOTA

The project for flood control, Mississippi River at St. Paul, Minnesota: Report of the Chief of Engineers, dated June 16, 1983, at an estimated cost of $7,350,000.

PORTAGE, WISCONSIN

The project for flood control, Wisconsin River at Portage, Wisconsin: Report of the Chief of Engineers, dated May 20, 1985, at an estimated cost of $5,150,000.

PARK RIVER, GRAFTON, NORTH DAKOTA

The project for flood control, Park River, Grafton, North Dakota: Report of the Chief of Engineers, dated April 17, 1984, at an estimated cost of $15,400,000.

FOUNTAIN CREEK, COLORADO

The project for flood control, Fountain Creek, Pueblo, Colorado: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $6,930,000.

METROPOLITAN DENVER, COLORADO

The project for flood control, Metropolitan Denver and South Platte River and Tributaries, Colorado, Wyoming, and Nebraska: Reports of the Chief of Engineers, dated December 23, 1981, and July 14, 1983, House Document Numbered 98-265, at an estimated cost of $10,000,000. The Secretary shall include as part of the non-Federal contribution of the project any work carried out by non-Federal interests after January 1, 1978, and before the date of enactment of this Act for upstream drainage improvements and downstream channelization which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

BOGGY CREEK, TEXAS

The project for flood control, Boggy Creek, Austin, Texas: Report of the Chief of Engineers, dated January 19, 1981, at an estimated cost of $15,100,000. The Secretary shall include as part of the non-Federal contribution of the project any work carried out by non-Federal interests on the project (including any acquisition of lands required for the project) after September 30, 1979, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

BUFFALO BAYOU AND TRIBUTARIES, TEXAS

The project for flood control, Buffalo Bayou and Tributaries (Upper White Oak Bayou), Texas: Report of the Chief of Engineers, dated June 13, 1978, House Document Numbered 96-182, at an estimated cost of $76,000,000.

LAKE WICHITA, HOLLIDAY CREEK, TEXAS

The project for flood control, Lake Wichita, Holliday Creek, Texas: Report of the Chief of Engineers, dated July 9, 1979, at an estimated cost of $19,100,000. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1983, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

LOWER RIO GRANDE, TEXAS

The project for flood control, Lower Rio Grande Basin, Texas: Report of the Board of Engineers for Rivers and Harbors, dated April 29, 1983, at an estimated cost of $153,000,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study adverse effects of discharges of sediments and pollutants from the project on fish and wildlife. The Secretary is authorized to undertake such measures as he determines necessary and appropriate to minimize such adverse effects and to mitigate the adverse effects of the project on fish and wildlife habitat. Before the acquisition by the Secretary of any interest in real property for the project or the actual construction of the project, the Secretary, after consultation with the Secretary of Agriculture, shall determine that Phases II and III of the project (as set forth in such report) will be undertaken by the Secretary of Agriculture. The Secretary and the Secretary of Agriculture, in consultation with appropriate Federal, State, and local agencies, shall develop an overall mitigation plan for Phases I, II, and III of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of such plan, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SIMS BAYOU, TEXAS

The project for flood control, Sims Bayou, Texas: Report of the Chief of Engineers, dated April 17, 1984, at an estimated cost of $102,000,000, except that the level of protection provided shall be in accordance with the Report of the Division Engineer, dated March 18, 1983.

MIDDLE RIO GRANDE, NEW MEXICO

The project for flood control, Middle Rio Grande Flood Protection, Bernalillo to Belen, New Mexico: Report of the Chief of Engineers, dated June 23, 1981, at an estimated cost of $40,000,000. The project shall include the establishment of 75 acres of wetlands for fish and wildlife habitat and the acquisition of 200 acres of land for mitigation of fish and wildlife losses, as recommended by the District Engineer, Albuquerque, District, in his report dated June 13, 1979.

PUERCO RIVER AND TRIBUTARIES, NEW MEXICO

The project for flood control, Puerco River and Tributaries, Gallup, New Mexico: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $3,810,000.

LITTLE COLORADO RIVER, ARIZONA

The project for flood control, Little Colorado River at Holbrook, Arizona: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $9,520,000.

CACHE CREEK BASIN, CALIFORNIA

The project for flood control, Cache Creek Basin, California: Report of the Chief of Engineers, dated April 27, 1981, at an estimated cost of $25,300,000, except that, in lieu of constructing the recommended bypass channel, the Secretary shall accomplish the purposes of the project by removing the rock formation at the outlet channel and widening and deepening the channel in accordance with alternative 8 as described in the Feasibility Study of the District Engineer dated August 1979.

REDBANK AND FANCHER CREEKS, CALIFORNIA

The project for flood control, Redbank and Fancher Creeks, California: Report of the Chief of Engineers, dated May 7, 1981, at an estimated cost of $63,500,000. The project shall include measures determined appropriate by the Secretary to minimize adverse effects on groundwater and to maximize benefits to groundwater, including ground water recharge.

SANTA ANA RIVER MAINSTEM, CALIFORNIA

The project for flood control, Santa Ana River Mainstem, including Santiago Creek, California: Report of the Chief of Engineers, dated January 15, 1982, at an estimated cost of $1,213,000,000, including such measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall study (1) the feasibility and environmental impact

of including conservation storage at the end of the winter storm season at Prado Dam as a project purpose, (2) the effects of such storage on recreation and leasehold interests at Prado Reservoir and on riparian rights downstream of such dam, (3) any water supply benefits associated with such storage, and (4) upstream alternatives to construction of Mentone Dam in accordance with section 1304 of the Supplemental Appropriations Act, 1984. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for actual construction of the following elements of the project: improvements at Prado Dam which limit the reservoir taking line to no greater than elevation 566 feet, Santa Ana River channel improvements in Orange County, improvements along Santiago Creek, improvements of the Oak Street drain, improvement of the Mill Creek levees, features for mitigation of project effects on and preservation of endangered species, and recreation features as identified in the report of the Chief of Engineers for these project elements, and no appropriation shall be made for acquisition of any interest in real property for or the actual construction of other elements of the project, if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. No acquisition of any interest in real property for or actual construction of other elements of the project shall be undertaken unless such acquisition and actual construction have been agreed to by resolutions of the non-Federal sponsoring agencies. Any relocation of the Talbert Valley Channel undertaken in connection with the project shall be constructed with a channel capacity sufficient to accommodate a 100-year flood.

ALENAIO STREAM, HAWAII

The project for flood control, Alenaio Stream, Hawaii: Report of the Chief of Engineers, dated August 15, 1983, at an estimated cost of $5,500,000, except that the level of protection provided shall be in accordance with the Report of the Board of Engineers for Rivers and Harbors, dated January 18, 1983.

AGANA RIVER, GUAM

The project for flood control, Agana River, Guam: Report of the Chief of Engineers, dated March 14, 1977, House Document Numbered 96-16, at an estimated cost of $6,670,000.

LITTLE WOOD RIVER, IDAHO

The project for flood control, Little Wood River, vicinity of Gooding and Shoshone, Idaho: Report of the Chief of Engineers, dated November 2, 1977, Senate Document Numbered 96-9, at an estimated cost of $3,800,000. After completion of the project, the Secretary shall evaluate and monitor the extent of any fish losses that are attributable to the project and undertake such additional mitigation measures as he determines appropriate.

YAKIMA-UNION GAP, WASHINGTON

The project for flood control, Yakima-Union Gap, Washington: Report of the Chief of Engineers, dated May 7, 1980, at an estimated cost of $8,160,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall review the probable effects of the project on fish and wildlife resources and the feasibility of including recreation as a project purpose. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such review, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat.

CHEHALIS RIVER, WASHINGTON

The project for flood control, Chehalis River at South Aberdeen and Cosmopolis, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96-27, at an estimated cost of $19,700,000. Before beginning the actual construction of the project, the Secretary shall perform additional studies relating to foundation materials in the project area and with regard to dredged spoil disposal sites and make such modifications as he determines appropriate.

CENTRALIA, WASHINGTON

The project for flood control, Centralia-Chehalis Flood Damage Reduction Study, Chehalis River and Tributaries, Washington: Report of the Chief of Engineers, dated June 20, 1984, at an estimated cost of $18,500,000.

(b) The Secretary is authorized and directed to design and construct, at full Federal expense, such flood control measures at or in the vicinity of Salyersville, Kentucky, on Licking River as the Secretary determines necessary and appropriate to afford the city of Salyersville, Kentucky, and its immediate environs a level of protection against flooding at least sufficient to prevent any future losses to such city from the likelihood of flooding such as occurred in December 1978, at an estimated cost of $7,000,000. With respect to such project, Congress finds that the benefits determined in accordance with section 209 of the Flood Control Act of 1970 and attributable to the flood measures authorized for such project exceed the cost of such measures.

(c) The Secretary is authorized to construct a project for flood damage prevention in the community of Gold Gulch, near Felton, Santa Cruz County, California, at an estimated cost of $6,000,000. The provisions of section 302 of this title shall apply to such project.

(d)(1)(A) The Secretary is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to communities in the Pearl River Basin, St. Tammany Parish, Louisiana, at an estimated cost of $25,000,000.

(B) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Pearl River Basin, Mississippi and Louisiana, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this paragraph.

(2) The Secretary is authorized and directed to design, construct, and undertake such measures as the Secretary determines are necessary to provide a level of protection sufficient to prevent recurring flood damages along the following rivers:

(A) Amite River, Louisiana;
(B) Comite River, Louisiana;
(C) Tangipahoa River, Louisiana;
(D) Tchefuncte River, Louisiana;
(E) Tickfaw River, Louisiana;
(F) Bogue Chitto River, Louisiana; and
(G) Natalbany River, Louisiana;

at an estimated cost of $25,000,000.

(e) The Secretary is authorized and directed to purchase such land along Highway 75 in Minnesota as may be required for the construction of the International Levee segment of the Emerson, Manitoba, flood control project and to upgrade existing flood control levees in the vicinity of Noyes, Minnesota, at an estimated cost of $200,000.

(f) In the case of any project authorized by subsection (a) of this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, as soon as possible after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(g) The Secretary is authorized to undertake flood control works along the lower portion of Calleguas Creek, Conejo Creek to the Pacific Ocean, California, at an estimated cost of $40,000,000. The provisions of section 302 of this title shall apply to such project.

(h) The Secretary is authorized to undertake appropriate local flood control protection measures along the lower portions of Coyote Creek adjacent to and in the vicinity of Alviso, California, and along the Guadalupe River in the vicinity of San Jose, California. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1983, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with such measures. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of such measures. The provisions of section 302 of this title shall apply to such project.

(i)(1) The Secretary is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to the cities of Monroe and West Monroe, Louisiana, and Ouachita Parish, Louisiana, at an estimated cost of $40,000,000.

(2) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Monroe-West Monroe Interim Study of the Ouachita Basin Study, Ouachita River Basin, Arkansas and Louisiana, the Secretary shall take into account the costs and

benefits of measures undertaken pursuant to this subsection.

(j) The Secretary is authorized to undertake the following elements of the overall project for flood damage protection and allied purposes in the Passaic River Basin, New Jersey and New York, as described in the report of the Chief of Engineers, dated February 18, 1976, and in accordance with the reports hereinafter designated or, in any case in which a report is not designated, with such modifications as the Chief of Engineers deems advisable, which modifications shall include, but are not limited to, plans being developed by the District Engineer:

(1) Molly Ann's Brook Subbasin, New Jersey: Report of the Board of Engineers for Rivers and Harbors, dated April 16, 1985, at an estimated cost of $7,470,000;

(2) Lower Saddle River Basin, New Jersey: Report of the Board of Engineers for Rivers and Harbors, dated April 16, 1985, at an estimated cost of $25,200,000;

(3) Ramapo River at Oakland, Pompton Lakes and Wayne, New Jersey: Report of the Board of Engineers for Rivers and Harbors, dated April 16, 1985, at a cost of $4,520,000;

(4) Upper Rockaway River Basin, New Jersey, at an estimated cost of $25,000,000;

(5) Nakoma Brook Sloatsburg, New York, at an estimated cost of $4,500,000;

(6) Ramapo and Mahwah Rivers at Mahwah, New Jersey: Report of the Chief of Engineers, dated November 27, 1984, at an estimated cost of $4,340,000; and

(7) the project for flood protection in the Third River, Passaic Basin, New Jersey, at an estimated cost of $12,000,000.

Such modifications shall also include, with respect to the project for the Lower Saddle River Basin, New Jersey, measures to improve aquatic habitat, consisting of the following instream habitat structures (among others): pool-riffle areas, submerged scour holes, wing dam deflectors, and low-flow pilot channels. The instream habitat structures shall be carried out on the Saddle River beginning at Grove Street in Ridgewood, New Jersey, and continuing downstream to the Passaic River, on Sprout Brook from the Garden State Parkway to the Saddle River, and on Hohokus Brook from Grove Street downstream to the Saddle River. The provisions of section 302 of this title shall apply to such projects.

(k)(1) The Secretary is authorized to design and construct flood control works for the protection of Meredosia, Illinois, at an estimated cost of $80,000. Such project shall include, but not be limited to, a levee which is approximately one-fifth of a mile long. The provisions of section 302 of this title shall apply to such project.

(2) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of any study on the Illinois River, authorized by resolution of the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, the Secretary shall take into account the costs and benefits of any measures undertaken by the Secretary pursuant to paragraph (1) in the interest of preventing flood damages along the Illinois River in the vicinity of Meredosia, Illinois.

(l) The Secretary is authorized to undertake a project for flood control works along Mission Zanja Creek within the city of Redlands, California, in accordance with the plan developed by the District Engineer based on studies pursuant to section 205 of the Flood Control Act of 1948, at an estimated cost of $13,209,000. The provisions of section 302 of this title shall apply to such project.

(m)(1) The Secretary is authorized and directed to study the nature and scope of flood problems resulting from Rio Puerto Nuevo, Puerto Rico. Such study shall take into account the objectives described in section 1101 of this Act and the benefits and costs attributable to any project considered to minimize such flood problems. Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study including recommendations on measures necessary to minimize such flood problems.

(2) The Secretary is authorized and directed to undertake, on an emergency basis, such structural and nonstructural measures as the Secretary deems necessary to prevent flood damage in the city of San Juan, Puerto Rico, from Rio Puerto Nuevo, Puerto Rico, at an estimated cost of $25,000,000.

(n) The Secretary is authorized to undertake such measures, including silt removal and channel modification, in the vicinity of the confluence of the Salt and Eel Rivers, California, as the Secretary determines necessary to prevent recurring floods along the Eel River and its tributaries, at an estimated cost of $800,000. The provisions of section 302 of this title shall apply to such project.

(o) The Secretary is authorized and directed to undertake such structural and nonstructural measures as the Secretary determines necessary to prevent flood damage resulting from rising lake levels at Malhauer and Harney Lakes, Oregon, at an estimated cost of $15,000,000. The provisions of section 302 of this title shall apply to such project.

(p) The Secretary is authorized to construct the project for flood control, O'Hare System of the Chicagoland Underflow Plan, Illinois, substantially in accordance with the Report of the Chief of Engineers, dated June 3, 1985, at an estimated cost of $18,100,000, except that the capacity of the flood control reservoir shall be at least 1,050 acre-feet in order to provide optimum storage capacity for flood control purposes. The provisions of section 302 of this title shall apply to such project.

(q)(1) The Secretary shall undertake such measures as he deems necessary to correct flooding problems in the south end of Louisville, Kentucky, within an area bounded by New Cut Road west to the city limits and Palatka Road south to the city limits at an estimated cost of $1,200,000. The provisions of section 302 of this title shall apply to such project.

(2) The Secretary is authorized to provide technical assistance to the city of Louisville, Kentucky, to assist such city in the correction of flooding caused by drainage problems in such city.

(r) The Secretary is authorized to construct a project for flood control for Poplar Brook, New Jersey, including reconstruction of the brook through the Borough of Deal, New Jersey, to accommodate the runoff from a storm having an average frequency of occurrence of once every 15 years, replacement of the culvert through the Conrail railroad embankment with a new culvert designed to pass a maximum flow equivalent to the peak flow from a storm having an average frequency of occurrence of once every 15 years, use of the area upstream of the embankment as an on-stream detention basin, and gabion or other lining as determined appropriate by the Secretary, at an estimated cost of $2,300,000. The provisions of section 302 of this title shall apply to such project.

(s)(1) The Secretary is authorized and directed, at an estimated cost of $81,225,000, to design and construct for the purpose of providing flood control for the Pearl River Basin in Mississippi, including, but not limited to, Carthage, Jackson, Monticello, and Columbia, Mississippi—

(A) a flood retarding dam on the Pearl River, upstream of the Ross Barnett Dam, in the vicinity of Shoccoe, Mississippi;

(B) a combination roadway crossing of the Pearl River and floodwater detention and storage facility in east central Leake County, Mississippi;

(C) a levee system in the south part of Carthage, Mississippi, which will upgrade, extend, and improve the protective levee system on the south side of Highway 16 in Leake County and the city of Carthage;

(D) appropriate drainage structure and bridge modifications to expand and improve the stormwater conduits under Mississippi Highway 35, south of Carthage, Mississippi, for the purposes of reducing backwater influence for areas upstream of such highway;

(E) upstream reservoirs on the Pearl River;

(F) such other structures as may be necessary to alleviate unforeseen flooding in the Leake County area as a result of the construction of the Shoccoe Dry Dam; and

(G) channel improvements on the upstream Pearl River.

(2) Prior to initiation of construction of the projects authorized by paragraph (1), non-Federal interests shall agree (A) to hold and save the United States free from damages due to the construction and operation of such projects, and (B) to operate and maintain such projects in accordance with regulations prescribed by the Secretary. The provisions of section 302 of this title shall apply to such projects.

(t) If any provision in any report designated by subsection (a) of this section recommends that a State contribute in cash 5 percent of the construction costs allocated to nonvendible project purposes and 10 percent of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 302. (a)(1) Except as provided in paragraph (2) of this subsection, the non-Federal share of the cost of any project for flood control (A) which is authorized by section 301(a) of this title, or (B) which is authorized by any other law enacted before the date of enactment of this Act and for which a contract for construction has not been entered into before such date of enactment, shall be 25 percent.

(2) If, for a project for flood control to which paragraph (1) applies (other than a nonstructural project), the sum (as determined by the Secretary upon completion of the project) of—

(A) the cash required to be paid under subsection (b)(1) for such project, plus

(B) the value of all lands, easements, and rights-of-way required for such project, plus

(C) the cost of all necessary relocations of utilities, structures, and other improvements for such project,

is a percentage of the cost of such project which is greater than 25 percent, the non-Federal share of the cost of such project shall be such percentage, except that in no event shall the non-Federal share deter-

mined under this paragraph exceed 30 percent of the cost of the project.

(b)(1) The non-Federal interests shall pay, during the period of construction of any project for flood control to which subsection (a) applies, 5 percent of the cost of such project. An amount equal to amounts paid with respect to a project under this paragraph is authorized to be appropriated to the Secretary to carry out such project. Amounts appropriated pursuant to the preceding sentence are in addition to, and not in lieu of, amounts authorized by any other provision of this Act for construction of a project to which this section applies.

(2) If the Secretary estimates before the beginning of construction of any project for flood control to which subsection (a) applies that the sum of (A) the value of all lands, easements, and rights-of-way required for such project, plus (B) the cost of all necessary relocations of utilities, structures, and other improvements for such project will be a percentage of the cost of such project which is greater than 25 percent (or which is greater than 20 percent in the case of a nonstructural project), the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way and make such relocations, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary and the cost of necessary relocations made by the Secretary shall be limited to the amount by which such estimated sum exceeds an amount equal to 25 percent of the estimated cost of the project (or an amount equal to 20 percent of the estimated cost of a nonstructural project).

(c) If the Secretary determines after completion of a project for flood control to which subsection (a) applies that the sum of—

(1) the cash paid under subsection (b)(1), plus

(2) the value of lands, easements, and rights-of-way provided by the non-Federal interests, plus

(3) the cost of relocations of utilities, structures, and other improvements made by non-Federal interests,

is less than the non-Federal share of the cost of the project, the non-Federal interests shall pay to the Secretary the amount necessary to meet the non-Federal share, plus interest from the date of such determination (as computed under subsection (e)), over a period of fifteen years from the date of such determination or such shorter period as the non-Federal interests may request. If such sum exceeds the non-Federal share of the cost of the project (as so determined), the Secretary shall pay to the non-Federal interests an amount equal to such excess, plus interest from the date of such determination, subject to the general availability of appropriations for that purpose. Payments under the preceding sentence shall not be subject to the limitation contained in the last sentence of section 215(a) of the Flood Control Act of 1968.

(d) After completion of any project to which subsection (a) applies, the Secretary shall transfer, without consideration, to the non-Federal interests any lands, easements, and rights-of-way acquired by the Secretary under subsection (b).

(e) The interest rate used for purposes of computing interest under subsection (c) shall be determined by the Secretary of the Treasury as of the date on which the project is substantially completed and provides the flood protection benefits for which such project is designed, as determined by the Secretary. Such interest rate shall be determined on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from the date of issue.

(f)(1) For purposes of this section, the cost of a project includes, but is not limited to, the value of lands, easements, and rights-of-way, and the cost of relocations of utilities, structures, and other improvements, necessary to carry out the project.

(2) For purposes of this section, the value of lands, easements, and rights-of-way (other than lands, easements, and rights-of-way acquired by purchase for the project by the Secretary for any non-Federal interest) shall be determined by the Secretary as of the date on which actual construction of such project is begun.

(g)(1) For purposes of analyzing the costs and benefits of a proposed project for flood control in any study of such project, the Secretary shall take into account the costs incurred in and the benefits produced by any local flood protection work carried out by non-Federal interests after the later of (A) the first day of the five-year period ending on the date of enactment of this Act, or (B) the first day of the five-year period ending on the date on which funds are first obligated for such study, if the Secretary determines that such work can reasonably be expected to be compatible with the project being considered by the Secretary. This paragraph shall not apply to any study for a project which project is authorized by this Act or any Act enacted before the date of enactment of this Act.

(2) The Secretary shall include as part of the non-Federal contribution of any authorized project for flood control the cost of any local flood protection work which is part of such project and which is carried out by the non-Federal interests after the date of such authorization or after the date of enactment of this Act, whichever is later. With respect to any local flood protection work carried out by non-Federal interests after the first obligation of funds for a study of a project for flood control (but not before the first day of the five-year period ending on the date of enactment of this Act), the Secretary shall recommend in any report submitted to Congress relating to such project that the cost of such work be included as part of the non-Federal contribution of such project if the Secretary determines that such work is reasonably compatible with the proposed project. Any local flood protection work included as part of the non-Federal contribution of a project for flood control under this paragraph shall not be subject to the limitation contained in the last sentence of section 215(a) of the Flood Control Act of 1968.

SEC. 303. Before construction of any project for local flood protection, the non-Federal interests shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

SEC. 304. Section 2 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 33 U.S.C. 701a-1), is amended by inserting after "drainage improvements" the following: "and flood prevention improvements for protection from groundwater-induced damages".

SEC. 305. The Secretary is authorized and directed to undertake local flood protection measures, including such channel widening and deepening and environmental measures as the Secretary and the Governor of the State of New Jersey may agree, to prevent flood damage to the residents of the Pine Brook section of Manalapan Township, New Jersey, substantially in accordance with the report of the Division Engineer, North Atlantic Division, entitled "Expanded Reconnaissance Report for Flood Control on Pine Brook, New Jersey, Manalapan, New Jersey", dated September 8, 1977, at an estimated cost of $1,400,000.

SEC. 306. The Secretary is hereby authorized to construct a comprehensive project for flood control in the Las Vegas Valley and tributaries area, Nevada, at an estimated cost of $80,000,000.

SEC. 307. The Secretary is authorized to design and construct flood control works for the protection of Brockton, Massachusetts, at an estimated cost of $12,500,000. Such project shall include, but not be limited to, improvements to ponds in the D. W. Field Park area and the existing Brockton-Avon Reservoir to provide additional storage, improvements to the drainage system under E. B. Keith Field, new culverts, improvements to miscellaneous bridges and utilities, and such other downstream improvements as the Secretary deems necessary. The provision of section 302 of this title shall apply to such project.

AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment to title III.

The Clerk read as follows:

Amendment offered by Mr. EDGAR: Page 108, line 13, after the period add the following sentence:

For purposes of this section each element of the project for flood control Mississippi River and tributaries, shall be considered as a separate project, except those elements which consist of channel and levee construction work and acquisition of related lands, easements and rights of way on the main stem of the Mississippi and Atchafalaya Rivers.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. EDGAR] is recognized for 5 minutes in support of his amendment.

(By unanimous consent, Mr. EDGAR was allowed to proceed for an additional 10 minutes.)

The CHAIRMAN. The gentleman from Pennsylvania [Mr. EDGAR] is recognized for 15 minutes.

Mr. EDGAR. Mr. Chairman, before I begin the explanation of my single amendment to this landmark omnibus water resources bill, I would like to spend just a couple of minutes talking about its merits and then clarify why I stand in the well in strong support of the bill but also in strong support of an amendment which would help to provide some more equity within this legislation.

As my colleagues know, over the last 11 years I have been one of the leading opponents of passing an inequitable omnibus water bill that was based on simply devising a shopping list of projects and bringing those to the House floor for agreement. What I

have tried to do over the last 11 years is to develop a merit selection process so that with our limited Federal dollars—and as many Members know from the budget debates and the reconciliation debates, we have far less dollars to spend—with those limited dollars we may target them to the most needy of the flood control projects, the dam projects, the river projects, and the deepwater and shallow ports projects, and that we spend those dollars targeted on the most meritorious projects whether they are in Mississippi, or Alabama, or whether they are in Pennsylvania, or New York.

As we studied over many years the expenditure of dollars, we discovered some interesting things; 82 cents out of every dollar we spent was spent in the South and West building new projects, many of them very necessary projects, but less than 18 cents out of every dollar expended from 1955 to 1980 was spent on the older industrial areas of the Northeast and Midwest region rehabilitating and reconstructing the existing dams and water supply projects in those areas. We discovered that often the cost-benefit ratios were not sufficient to justify the new construction projects, and we found in some instances that we were building holding ponds for catfish farmers and marinas that were in fact not in the best interest of the Nation.

Over the course of the last 11 years we worked hard with the Appropriations Committee and with the authorization committee on a bill that includes many policy initiatives that we believe are part of the reform of the whole water process. I, as one Member of Congress, have been talking throughout the Nation about the fact that if energy was our problem of the seventies, water, its quality, and its quantity is really the problem of the late 1980's and 1990's, and it is appropriate for us in the Clean Water Act, the omnibus water bill, the Superfund legislation, and the Safe Drinking Water Act, to bring Federal policy into compliance with the concerns of quality and quantity.

□ 1200

Now this bill that is before us, H.R. 6, has many worthy provisions. Let me just take a moment to talk about four of those provisions which I think my colleagues ought to focus in on.

The first and most important is that this bill for the first time has a consistent statement of cost sharing.

Why is that important? It is difficult with the national geography to develop a merit selection process that is fair and equitable across the country. The needs of California, and Texas, and Mississippi are different than the needs of Illinois, and Indiana, and Pennsylvania.

Therefore, we devised a system where if the local communities and the State government would share in a small percentage of cost, they would begin to make some choices as to what in fact is of value and a merit to the project.

So, in fact, in the case of this bill, we have a minimum cost-sharing requirement on all new projects, whether they are dams, whether they are flood control, and it brings within this legislation for the first time a merit-selection system based on the ability of communities and States to come up with some local investment tied with their ability to provide local easements and rights-of-way.

So the first major reform of this bill is the issue of cost sharing.

Second, this bill shifts significantly the dollars expended on new starts and rehabilitation. In the past we spent very little rehabilitating locks and dams, rehabilitating existing water systems, choosing, instead, to build new projects while the old, existing projects decay. But in this bill we take care of lock and dam 7 and 8 on the Monongahela and Allegheny River system. We begin to address the modernization needs of the Ohio River lock at Gallipolis. By spending more on rehabilitation and reconstruction and less on new construction, we also improve the share of the Federal water dollar received by the Northeast and Midwest from about 18 cents on every dollar to 38 cents on every dollar.

We as politicians often do not like to invest the time or the money on cutting ribbons on old projects; we like new projects. This bill includes a major reemphasis or retargeting of the dollars to restoring existing projects.

At the same time it includes sufficient funds for new projects for new development. The older areas of the country, the areas that put their water systems in place over the last 75 years are aided significantly by this bill.

So in the area of cost sharing and in the area of rehabilitation, this bill makes a major step forward in water policy.

The third thing that this bill does, this bill provides for investments in environmental mitigation up front. No longer will we simply come in and do a project and worry about the environmental damage later. We will now come in and make sure that the environment is cared for in the total cost of that project. That is a significant contribution.

Finally, the bill provides a major new section to help replace aging water supply systems. If we look at the quality of our water in our older cities and communities over the last 10 years, it is decreasing, not increasing in quality. Our main water supply tunnels are leaking tremendous amounts.

This bill provides for a reasonable revolving loan fund to replace aging water supply systems and provides for a new mechanism where in fact those dollars are repaid to the Federal Government. Specifically, title VIII of H.R. 6 includes a provision I authored to provide $800 million for water supply rehabilitation loans.

So we have cost sharing, we have a focus on rehabilitation; we have a commitment to environmental mitigation; we deauthorize some projects that are not going to be built.

Finally, we have provided a very necessary ingredient, that of water supply.

I am also pleased that the bill includes a number of meritorious projects which are desperately needed in my home State of Pennsylvania. In particular, I note that the bill funds the replacement of the aging lock and dam 7 and 8 on the Monongahela River. Flood control projects for Harrisburg, Lock Haven, Pottstown, the Wyoming Valley, and Saw Mill Run in Pittsburgh are also authorized. Section 1120 allows the continued functioning of the navigation channel in the Delaware River up to Philadelphia, and section 401 funds the breakwaters we need at Presque Isle near Erie. These projects are vital to the economic health of the Commonwealth of Pennsylvania.

This bill with its policy changes has drawn the attention of the environmental community and of the communities across the Nation that have opposed water policy over many years. As one of the leaders in trying to cut the past practices of water policy, I can stand in the well as an enthusiastic supporter of this bill and I hope my colleagues, Democrats and Republicans, Conservatives and Liberals, will support this legislation.

Now, my amendment which I am offering at this time provides another sense of fairness. What my amendment does is simply bring a whole network of waterways and tributaries that are exempted from the cost-sharing provisions of this bill and requires cost sharing. These are the Mississippi River tributaries that have been excluded from any cost-sharing provisions in H.R. 6.

Now, why is that important? It is important because if a flood occurs in your district and you want Federal aid for floodwalls or levees that will alleviate that flood damage in your district, under the reasonable, simple, and minor cost-sharing provisions of this bill, you have to provide between 25 and 30 percent local or State investment; but if you happen to represent a district that is in the seven States in the Mississippi River and tributaries program, you are exempted and 100 percent of the dollars cost of the project will be borne by the Federal

Government and the Federal taxpayer.

My amendment would simply mean that all the projects on those tributaries that are new projects would have to comply with the same cost sharing that is in our bill that every other project in the bill must meet.

My amendment does exempt—and I think this has to be underscored—we exempt the main stem of the Mississippi. We exempt the Atchafalaya River, but we do not exempt the tributaries that flow into the Mississippi or into the Atchafalaya River system.

Now, all old projects, and this Mississippi project has been with us since the late twenties, all of the projects that presently are under construction still will get 100-percent Federal funding. All this does is focus in on the new projects that have not moved to construction at this point in time.

I would urge my colleagues to look carefully at this legislation. We are going to hear in a few minutes from people who support the exemption, saying that all of the waters from Pennsylvania and other States flow down the Mississippi River and that causes all the floods in the lower tributaries and therefore it should be a national priority to spend 100 percent of our dollars cleaning up that problem. That is only partially true. That is the reason my amendment exempts the main stem of these river systems from compliance to the cost sharing.

The only thing that we include are the tributaries. It cannot be said that all the water from Pennsylvania is filling the tributaries to the Mississippi River.

I would urge my colleagues to look carefully at this amendment. This massive MR&T undertaking was originally authorized in 1928 and has been repeatedly enlarged over the years with the addition of scores of major and minor projects. Many of these remain to be built and are quite separable from the essential flood control levees and navigation improvements on the main stem of the lower Mississippi River. The remaining cost to complete the MR&T project, as outlined in the fiscal year 1984 budget appendix, is $5.8 billion. This year the Army Corps of Engineers expenditures on the MR&T project will be about $269 million, about one-quarter of the entire Army Corps of Engineers budget is expended on this project.

Because this large agglomeration of MR&T work has technically been authorized as one big project, no cost sharing would be required under the current language of section 302(a)(1) of this bill, which applies only to projects which are not yet under construction. If considered as one large project, MR&T has been under construction for over 50 years.

My amendment would simply state that for purposes of the flood control cost-sharing requirements in section 302, each separable element of the MR&T project will be considered as a separate project. Thus, cost sharing would be required for those unbuilt components authorized as part of MR&T, just as they would for flood control projects everywhere else in the Nation.

Most of these separable elements are drainage projects, including extensive stream channelization, on tributaries to the Mississippi River in the lower Mississippi River Valley States of Arkansas, Kentucky, Louisiana, Tennessee, Mississippi, and Missouri. They are not part of the main stem work in the Mississippi River itself, which has been largely completed.

In fact, my amendment would not—and I repeat, my amendment would not—be applied to the main stem work on the Mississippi or the Atchafalaya Rivers. I agree with Chairman ROE, Chairman HOWARD, and the distinguished gentleman from Mississippi [Mr. WHITTEN], who have pointed out many times that these "main stem" parts of the MR&T work are truly a national responsibility on a national river system.

However, it would be unfair to allow the rest of the $5 billion MR&T project to be excluded from the cost sharing that will be applied to every other flood control project in every other Member's district in the Nation. We should not take the unfair and inequitable step of excluding billions of dollars in flood control projects from the scope of the bill's cost-sharing reform merely because we want to have it as one technical large project.

I urge you to join me in making new MR&T flood control work subject to the cost-sharing provisions of H.R. 6.

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first, I wish to congratulate the chairman of the full committee, Mr. HOWARD, and the chairman of the subcommittee Mr. ROE, as well as the ranking Republican, Mr. SNYDER, and other members of the committee.

I have pointed out for some years, I believe it was first during the term of President Johnson, that hopefully when we slow down the growth of military expenditures, we can divert our energy, and attention to worth while, valuable, and essential public works. We must keep the wheels turning for you cannot pay a cheap dollar borrowed with a hard-to-get dollar thus we must have a vital economy.

We have tried through the years to get an authorization for the backlog of worthwhile projects, so we could begin to spend money wisely and now the time has come so that we can do it. I think our committee, and all our colleagues, have done a great job in providing these authorization so that we will have some place to focus our resources when the time comes.

In the years that I have been here I have presided over the Subcommittee on Public Works of Appropriations, and I am a member of the subcommittee now. Our subcommittee has held hearings in the State of Pennsylvania to deal with floods in that area and other affected areas because their water flows down the Mississippi to New Orleans.

I remember when the Mount St. Helens volcano eruption occurred, we brought out a supplemental bill and called the committee back together so our House colleagues could get on with the task of taking care of that area which suffered from the volcano, Mount St. Helens.

Whether it is in California, Maine, New York, or wherever it may be, this committee has looked without partisanship to taking care of flood control in all our country.

Now, it is hard for me to understand my friend, the gentleman from Pennsylvania. I do not know what the gentleman is opposed to through the years, but it is just unreasonable to say that any section of the country can handle water from 41 percent of the United States by itself. From some parts of Canada and New York State, the water goes down the Mississippi to New Orleans.

Let me tell you that in 1928 in the lower Mississippi we had one of the most disastrous floods in the history of the United States. Following that, the Congress had the Corps of Engineers draw up a plan to try to handle the flooding along the Mississippi River because at that time and since you could not control the volume of water draining 41 percent of the country. You have to work with it.

I want you to know that from 1928 until now we have completed 86.6 percent of the overall projects, and all we do here is let the corps finish that huge project without putting it under a new requirement which would require years to accomplish.

What is involved here is the completion of a plan to handle the next flood.

We have already invested $3.7 billion and the overall project is 86.6 percent complete.

Now we have gotten control of the main stem to a great degree, but when the main stem drains all the water from 41 percent of this country into our area, then the tributaries have to go into a flooded river which means widespread flooding over several States.

Should you on the remaining part of the 1928 plan, 13.4 percent, you would put a stop to further efforts to control the Mississippi River, which drains 41 percent your country.

Do you realize that to bring the remaining work under your provision, you would have to get the State legislatures to act, you would have to see whether the bonded indebtedness necessary would hit the ceiling. You would have to slow down and let various land areas form a taxing unit to issue bonds.

I say to you, when we are here today trying to do these great things for the future of this country, let us not go backwards and stop that which we are already doing and which nears completion.

I want to tell you, the damages we have in my area which is in the tributary area, we had three 100-year floods in 10 years. Millions of acres were flooded. We must complete the 1928 plan one way or the other.

□ 1215

So I say while we are starting out on new things, do not stop that which is 86⁶⁄₁₀ percent completed, and where we, through geography and through such as this bill, have to live with all the water from 41 percent of the country, for it goes down into this funnel that hits New Orleans. I do not believe you would do that.

Let me digress a little bit here, and I think it is worthwhile to say it. Some years ago I was walking over from the other body where we had been in a conference, and the late Secretary of the Treasury, Joe Fowler, who was Chairman of the Commission which was to buildup a sufficient productive capacity for us to compete with Russia, said, "Jamie, you know, if I was in charge of Russia, I would declare 5 years of peace."

Just think, he said "It would bring disaster to our economy." Just think if all the boys were to come home from the service, if all the contracts with the Federal Government for military equipment were cancelled, what would happen here. Our economy would break down. At that time we had more cars than we could park, more clothes than we could wear, and the finest time in the history of this country. But I decided that it simply should not take a war or preparation for war in order to have prosperity. We could have prosperity if we would use the same energy in protecting and developing our country, and would end up with a richer country.

I want to congratulate my colleagues in charge of this bill. They have provided something for us to turn to so we may improve our country, and if we will just do that we can do wonders. Once again, let us not try to stop that which is nearly complete in the interest of trying to improve the country, as this bill otherwise would do.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think the House needs to know what it is voting for, and certainly I am interested in knowing what I am voting for. I would feel it proper to ask some questions.

I would ask the gentleman from Pennsylvania: Does the gentleman's amendment in any way decrease the efforts to control the flooding on the main stem of the Mississippi itself, or the work that needs to be done in that regard?

Mr. EDGAR. If the gentleman will yield, the answer is, my amendment does not touch the main stem of the Mississippi River or the Atchafalaya River. That's where upstream water from our States goes. Our States are not flooding your tributaries, and that's where we want you to have to pay the same cost sharing we have to pay.

Mr. BEDELL. So that if the gentleman's amendment is adopted, it would mean that my people, who have flood control projects on rivers that eventually flow into the Mississippi, would be treated the same as people in the States we have mentioned who have flood control projects that flow into the Mississippi. Is that correct?

Mr. EDGAR. That is correct. In fact, at the table there is a map that I am sure some of the opponents of the amendment are going to offer which shows the large basin that drains down into the Mississippi. It is only those projects in the narrow tributaries at the southern end of that which get 100 percent funding under the bill. Under my amendment, they would be brought into equity with projects in the gentleman's State which have to come up with 25 or 30 percent cost sharing and are part of that same system.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. Chairman, I do not think this statement is entirely correct because if this amendment were passed, we are going to require local governments, levee boards, county governments, to come up with funds for their cost-share of desperately needed new authorized projects; whereas, many of these today do not even have the funds that they need that they have to come up with to acquire rights-of-way on the main stem of the Mississippi River.

The main-stem levees are under grade today in several States of this Nation because of the fact that the local government bodies do not have the money today to acquire the rights-of-way, which they must do, and then the Federal Government funds the entire project. It is going to compound the problem.

Mr. BEDELL. Of course, any water we pour into the Mississippi compounds the problem. I think there is no argument about that. But the fact is that I have water that flows into the Mississippi as well, and I guess the question I do not understand is why we should treat somebody from Illinois or Ohio or Iowa or some other place differently from the way we would treat those communities that are in the States that have been mentioned. If I understand the amendment correctly, it would say that if you happen to live in Louisiana then you do not have to come up with any cost sharing, but if you happen to live in Illinois or Ohio or Iowa or any of those States, then you do have to come up with cost sharing.

We do not have a heck of a lot of extra money. I hope everybody understands that. If we pass Gramm-Rudman, that is certainly going to be the case. If it makes sense, which I think it does, to say that people have to come up with part of the cost, then I do not understand what the argument can possibly be that would say if you happen to live in some States it does not apply, but if you live in other States it does apply, as long as we are providing the funds to take care of the main stem of the river.

Is there something the gentleman does not understand?

Mr. EDGAR. If the gentleman will yield, in further explanation of the gentleman's question, the gentleman from Iowa is precisely right. We have farmers who are going under, we have poor communities, we have banks and savings and loans that barely can make it, and we have a high level of stress in many of those communities.

If we have an area of flood control as a new project in this bill, your communities, as poor as they are, have to come up with 25 to 30 percent cost-sharing. That is a fact of life under the legislation that is before us, and it is something that has to be addressed by local and State governments. It is the same as in your communities. When your people are inundated with floods in those tributaries, they have to come up with a project, but under the provisions of this bill, your poor people are exempt from any cost sharing and Mr. BEDELL's poor people are not.

All we are suggesting is that the main stem of the Mississippi is national property and we are not including that. The main stem of the Atchafalaya River system is not included. The only thing that is included is those projects which feed into the Mississippi that are called tributaries, and they are no different than the tributaries in Mr. BEDELL's district or in my district or in someone else's district that flow into that large water system.

Mr. HUCKABY. If the gentleman will yield further, would the gentleman not agree that the farther downstream one goes, the greater the volume and the quantity of water as such, especially at flood time, compounds the magnitude of the problem?

The CHAIRMAN. The time of the gentleman from Iowa [Mr. BEDELL] has expired.

(By unanimous consent, Mr. BEDELL was allowed to proceed for 3 additional minutes.)

Mr. HUCKABY. Mr. Chairman, will the gentleman yield further?

Mr. BEDELL. I yield to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding.

For instance, Mr. Chairman, I have one project in this bill. This is my ninth year in Congress, and in 3 of the 9 years they have had 100-year floods in this agricultural district, as such. Certainly these people have all the problems that the rest of agriculture does, but in addition to that, in the other tributaries there is water coming from Arkansas, probably from Iowa, water coming from Pennsylvania, et cetera, that compounds this problem because the water cannot get into the Mississippi River when the Mississippi River is high.

Mr. BEDELL. If I might, I do see the problem, and I think it is a problem, but I think we have that same problem all across the country in other areas. It seems to me water is water, whether it comes from Iowa or whether it comes from Louisiana. Water is water, and it causes similar problems.

I guess if it is right for Iowa, it seems to me it should be right for Louisiana as well. I do not see why we should discriminate and say that if you happen to live in some other area than those States, then you have to get 25 percent cost sharing from the local area, but if you live those States you do not have to.

Mr. EDGAR. If the gentleman will yield further, today, right at this moment, lock and dam 7 and 8 on the Monongahela River are under about 8 feet of water. Right there in Pennsylvania today there are families being displaced in southwestern Pennsylvania because of large, enormous floods. Those floodwaters are heading down the main stem of the Mississippi because that is part of the flow of the water.

The point that is being made, to address the flood problems in the southwestern corner of Pennsylvania, those people, devastated, loss of homes, loss of property, loss of agricltural ingredients, are no better off than people in your area in Louisiana. Loss of heavy steel and industry is there, in western Pennsylvania too.

What we are suggesting is that in equity and fairness, not to the extent that the administration wanted—the administration wanted 100 percent cost recovery; we do not think that is equitable—but we do think that it is very difficult to see poor and impoverished communities inundated with floods in one section having to come up with cost sharing, and poor and inundated areas in another section not having to have equal time or equal money.

□ 1225

Mrs. BOGGS. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I think we should get something straight here. This is what we are talking about; the Mississippi River and its tributaries are neither isolated streams nor local waterways. As you have heard from the gentleman from Mississippi, together they comprise a drainage system for the watershed of 41 percent of this country, the third largest watershed in the world.

You have also heard from the gentleman from Mississippi that recognizing the needs of the people to control flooding, yet understanding the inability of localities to fund such a vast national flood control program, Congress authorized the project in 1928. That is the project we are talking about in this bill, Mr. Chairman.

In that act, Congress specifically recognized the gigantic scale of this project involving flood waters of a volume, and flowing from a drainage area largely outside of the States most affected. Therefore, no local contribution was required.

Well, through the years, Mr. Chairman, that has changed. Of course, some $3.7 billion in Federal funds have been spent on the project since 1928, but the State and local governments have expended over $922 million for the costs of lands, easements, rights-of-way and maintenance. Continuously, we have fulfilled our legally established cost-sharing obligations.

In the 1983 and 1984 floods alone, the project prevented an estimated $31 billion in damages, over nine times the U.S. investment in the last 60 years, and over its lifetime, the project is estimated to have prevented some $100 billion in damages.

We sympathize and we empathize with the poor people in Pennsylvania, with the poor people in Virginia, with the poor people in West Virginia who are experiencing terrible floods, and we are happy that they have had them only once or twice in the last 10 years. We have had them continuously in the lower Mississippi Valley over those past 10 years.

The project that was authorized in 1928 is now 76 percent complete. The mainstem levee system is only 71 percent complete to approved grade and section. Much remains to be done in the tributary rivers.

In Louisiana alone, some 500 miles of approximately 800 miles of levees are incomplete. We have built the funnel, Mr. Chairman, but the drain is not complete.

A flood control system is built from the top down, not the bottom up. And while much of the mainstem features are substantially complete in the upper reaches of the project, in Louisiana this system is only 65 percent complete. So it is unfair to require more individual project costs from Louisiana now that the project upstream is effectively able to pass the flood down to us.

We in Louisiana have always paid our fair share, and in practically all, if not all instances, we have paid more than any other State for flood control, navigation and water resources projects. We do not believe it is equitable for the Federal Government to retreat from its commitment of 57 years to the people of the Mississippi Valley. A change in cost-sharing to us would be disastrous.

The localities bordering on the Mississippi River and tributaries are no more beneficiaries of this project than the States to the north, east, and west who have sent the waters which must be controlled. The Mississippi River and tributaries flood control program cannot be dissected and considered as a series of local problems to be addressed by each individual area. It is a single, national program addressing a single, potentially disastrous problem for the benefit of a vast area of the country.

I urge my colleagues to vote no on the Edgar amendment.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Edgar amendment. I think it is absolutely incredible that the gentleman from Pennsylvania would have initially sought to put the burden of all of the costs of maintenance of the Mississippi River on the backs of the States through which it flows. Now he has amended his amendment, but I still think that his suggestion is likewise ridiculous, and I would simply call the attention of the House to this map which sits by my left and point out that what he is talking about is the largest drainage system in the world.

The water which flows through the Mississippi River, particularly through Louisiana, comes from virtually one-half of the rest of the United States. This greater Mississippi River tributary system provides the life stream for America's domestic and foreign commerce. Forty-three percent of all of the grain exported by U.S. farmers is shipped through the lower Mississippi River channel.

The Mississippi and her tributaries provide power through hydroelectric dams. Hundreds of thousands of jobs, and billions of dollars in economic benefits flow to the Nation because of this great old river and her tributaries.

The river provides drinking water for America's thirsty. It provides the core and the balance for America's ecosystems and environment.

But, of course, the gentleman from Pennsylvania would say, well, we appreciate all of the benefits that accrue from the river system; we will enjoy its bounty; but only those States through which it flows should pay the cost for its upkeep.

Mr. Chairman, that is not fair. Fully two-thirds of the United States' water flows through the Mississippi River system and the whole Nation benefits from its smooth and efficient performance. So it is hardly fair to say that just a few States must bear the cost, and cost there is for the maintenance of this system.

If left to its own devices, fully one-third of the Nation would be subject to annual floods as the system overruns its banks. Actually that may be closer to 50 percent. So to control that flow, we need reservoirs on the tributary streams, we need floodways to receive the excess flow. And to protect and continue the river commerce, we need channel improvements like revetments, and dikes, and dredging to increase the channel capacity. We need control structures and cutoffs and pumping plants and floodwalls and floodgates to make the whole system work efficiently.

To maintain the 10,000 miles of natural and manmade waterways with a navigable depth of 6 feet or more, it costs $100 million a year in maintenance costs alone. When you consider the new construction that is needed to constantly improve the system, those costs increase by another $245 million a year.

And even if we approve the planned 1986 improvements, we would still have 400 miles of levies below flood safety standards.

Louisiana alone has 2,200 miles of levies along the Mississippi River. She has another 1,600 miles of levy floodwall in addition to those on the main stem, and of that amount, we have a constant need for improvements and upgrade. Had we not had the current system, millions upon millions of people would have been devastated beyond belief, and beyond the damage that actually did occur in the floods of 1983, 1979, 1975, 1973, and going all the way back to 1929 when the system began.

In 1983 alone, had we not had the Mississippi River and tributary project in place, 6.1 million acres would have been flooded and $17 billion in damages would have been sustained by the American people.

Mr. Chairman, the Edgar amendment presents false economy. This project has paid for itself many times over. America has received well over $100 billion in direct benefits since the project's inception, and it has saved many times that in terms of losses that Americans might have sustained had the system not been adopted.

Let us not turn our backs on a real success story. I would urge my colleagues to defeat the Edgar amendment.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. LIVINGSTON was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I will be happy to yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding.

I would first like to ask the gentleman a question. Was the gentleman suggesting in his comments that somehow in the Edgar amendment that we were changing national policy as it relates to maintenance of flood control projects.

Mr. LIVINGSTON. Well, the gentleman is the author of the amendment, and he certainly knows what in the world this amendment does better than I. I am not going to attempt to explain his amendment for him.

In further answer to the gentleman's point, I would simply say that this map illustrates quite well that millions of gallons and tons of water are flowing through this system which is of great benefit to the Nation at large. There is absolutely no reason to put upon the focal point of that system the burden of maintaining its tributaries and the costs of their upgrading and improvement.

Mr. EDGAR. If the gentleman will yield further, I appreciate the gentleman suggesting that the author of the amendment knows what the amendment does. The amendment does not touch any of the maintenance practices that are presently in place, the maintenance of the flood projects, the levies, they are not affected by the Edgar amendment.

Mr. LIVINGSTON. If I might reclaim my time, he would then put that $250 million worth of much needed new construction on the backs of those States that can least afford them. They are the recipients of all of the water that flows from the north through the southern regions of the United States. The gentleman would impose the costs of such devices as control structures, cutoffs, pumping plants, floodwalls and floodgates on those States, and I think that that is not at all a fair proposition.

Mr. EDGAR. If the gentleman will yield further, the gentleman's numbers should be reduced by two-thirds because the gentleman from Pennsylvania's amendment only provides that 25 percent of that cost not be borne only by the local communities, but by the State and local communities, just as the States and localities that are north of the gentleman's district have to bear 25 to 30 percent of the costs. The majority of project costs—70 to 75 percent—will continue to be paid by the Federal Government. I think that's a fair balance.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has again expired.

(On request of Mr. BEDELL and by unanimous consent, Mr. LIVINGSTON was allowed to proceed for 1 additional minute.)

Mr. LIVINGSTON. I will be happy to yield in a minute, but I simply would like to respond to the gentleman that, in fact, what the gentleman is doing with his amendment is overturning a system which has worked successfully to provide power, to provide commerce, to provide benefits of untold millions of dollars to the United States, which system has been in place since 1929, yet which he would eliminate.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I will be happy to yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I appreciate the gentleman's statement. The gentleman points out quite clearly that two-thirds of the United States furnishes water to this area. Those of us who do not happen to be in the States that are exempted would point out, as the gentleman has, that two-thirds of the water comes from these other States, and we are going to say to those States that are exempted we are going to treat you differently than we do all of the other States that are in that area where they have flooding. Many of us have real trouble in the time that we have and with the shortage of funds that we have to say to that we are going to give this extra money to those States, but you are going to treat all of the rest of the States completely differently.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. BREAUX. Mr. Chairman, I have always been struck by the novelty of the argument that somehow a few States are benefiting from the project that others are not getting the same benefits from. Nothing could be further from the truth.

We are talking about a project that does not affect just the States at the bottom of the funnel, but all of the States, over 31 States and two Canadi-

an Provinces who happen to dump water down the funnel, which just happens to come through the bottom of the Mississippi River Valley tributary system.

I want my colleagues to know that what is done in Louisiana for flood protection certainly benefits all of the States in the system.

□ 1240

If the water is not available to be drained outside of the Mississippi River, the Mississippi River is going to start flowing backward, and we are going to have water going north instead of south, flooding the States of the system.

So what we are talking about is a project that is 76 percent complete, a project that was authorized in 1928; a project that benefits all of the States on the entire system.

I am also amazed at the argument that somehow, people are trying to create the impression that the States at the bottom of the system are not contributing their share. Nothing could be further from the truth.

We are paying for the land to construct the levees and to construct the projects. We are paying for the easements and the rights-of-way that are necessary and have to be purchased in order to create the project and make it work successfully. We are doing the maintenance on the project to ensure that the levees do not break, and that the system works in order that all of the States in the system, 31, 2 Canadian Provinces, benefit from the system.

This affects agriculture in all of the States along the system, and I think it makes a great deal of sense to keep the project going as it is and to not let it be disrupted by the mischievous amendment offered by the gentleman from Pennsylvania [Mr. EDGAR].

I dare say that I think the people of the northern part of the project would not be offering amendments if they were being inundated by all of the water coming from the Gulf of Mexico going north, other than what we are having to face with the water coming from 31 States.

Mr. HUCKABY. Will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. Chairman, I would like to take this time to commend my good friend and colleague, the chairman of the subcommittee, the gentleman from New Jersey [Mr. ROE] as well as the gentleman from Minnesota [Mr. STANGELAND] for the outstanding job that they have done in bringing this well-balanced bill to the floor, that I am optimistic that we can finally get passed through both bodies as well as signed into law.

I would like to thank the gentleman from New Jersey [Mr. ROE] also for accepting an amendment of mine; one at the last moment regarding the Laourea Gully project in Louisiana, which the gentleman is also concerned with. We have been operating for years, really, under the impression that this project was authorized; and the corps has now made the decision that was not authorized, and I thank the gentleman for accepting that amendment.

I also would like to echo the gentleman's comments regarding the amendment before the House of Representatives. Much has been done in Louisiana, in other Southern States that are tributaries of the Mississippi; but so much more remains to be done.

This section of our Nation floods far more, with greater frequency, duration of floods than any other section of the Nation. These States, to be honest with you, cannot afford by themselves the amount of funds that are still needed for the flood protection.

As has been pointed out, this river basin is the greatest river basin drainagewise in the entire world. So I would urge my colleagues to reject the amendment.

Mr. BREAUX. Reclaiming my time, I thank the gentleman from Louisiana [Mr. HUCKABY] for his comments. What we are talking about, ladies and gentlemen, is a national problem. It has to be viewed as a national problem.

What happens in Louisiana is going to affect all of the 31 additional States, and it is a national problem and should be viewed in a national perspective. The tributaries cannot be separated away from the main stem of the Mississippi. To say that "Well, we are going to take care of the Mississippi but folks, you are going to have to take care of the local tributaries" is trying to separate a project that cannot simply be separated at all.

It has to be looked at as a national project as it has been looked at since 1928.

Mr. BEDELL. Will the gentleman yield?

Mr. BREAUX. I yield to the gentleman.

Mr. BEDELL. The gentleman, if I understood him, made the point that if there was a flood on the tributaries, the river would back up and flood areas such as my area of Iowa.

Mr. BREAUX. I was suggesting that.

Mr. BEDELL. I think the gentleman understands that my area of Iowa is over 1,000 feet above sea level, which would mean that we would have to have more than 1,000 feet of water all across the rest of the country in order to do so.

However, if we do have a flood——

Mr. BREAUX. I would say to the gentleman we are almost there now in Louisiana.

Mr. BEDELL. However, if we do have a flood in Iowa, then certainly that water is going to flow down the river and cause trouble downstream as well.

So that for the gentleman to say that it is more important in the national interest to take care of the tributaries downstream than upstream seems to me to be a pretty ridiculous argument, unless the gentleman thinks we are going to get 1,000 feet of water over the whole country.

Mr. BREAUX. Reclaiming my time, if you do not do anything with the tributaries——

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. BREAUX was allowed to proceed for 2 additional minutes.)

Mr. BREAUX. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding. The gentleman mentioned my name, and characterized this as a mischievous amendment.

I just draw to the gentleman's attention, and one of the reasons I am standing on the Republican side is that I have in my hand this statement of administration policy dated October 23, 1985, from the White House, which states its position on this particular bill.

Now, the gentleman from Louisiana knows that I frequently disagree with this administration. But sometimes they're right. This time they are. In their letter, on the second page, it says:

> The bill also fails to treat all regions of the nation equitably, by not extending the compromise cost-sharing agreement to as-yet unstarted, multi-million dollar features of the Mississippi River and Tributaries comprehensive flood control project.

It goes on to say, simply, that:

> The Administration urges the Congress to eliminate or modify objectionable provisions or omissions in H.R. 6 during floor or conference action. If H.R. 6 is enacted in its present form, the President's advisors would recommend that the bill be disapproved.

So I do not think the gentleman's characterization of it as being a mischievous amendment is true. The gentleman from Pennsylvania has excluded Mississippi and Atchafalaya River systems from the amendment in order to address the concerns you've raised.

Mr. BREAUX. Let me take back the time the gentleman gave me to respond. I think this is yet another good example of the administration being clearly dead wrong on a position of national importance, when they are trying to single out the project and divide it up.

Is this another example of them being wrong? I take no consolation in the fact that it is opposed by the administration; they are not correct on the issue.

Mr. HUCKABY. Will the gentleman yield?

Mr. BREAUX. I yield to the gentleman.

Mr. HUCKABY. I thank the gentleman for yielding.

I would like to point out to the gentleman from Iowa [Mr. BEDELL] that when you have a flood in Louisiana, in Iowa you are going to have a flood downstream. When you have a flood over in Pennsylvania, you probably are not having one in Iowa. You are still going to have a flood downstream. When you have heavy snows in Iowa in the wintertime, they melt; usually not causing damage in that section of the country.

Mr. BREAUX. Reclaiming my time, the gentleman is making a good point.

If the tributaries and the main stem of the river do not work, you are going to have flooding in Iowa and in Pennsylvania and everywhere up the stream. What is done in Louisiana at the bottom of the funnel also affects everything that happens upstream, all the way to Iowa and all the way to Canada.

Mr. HUCKABY. I thank the gentleman.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Edgar amendment. This area of the country has a unique problem. This is exactly why the Congress of this United States, in 1928, passed legislation to help this area of the country that has 41 percent of the water pouring into it, down the Mississippi River with all its tributaries.

So there are unique problems; this is the same old amendment; it has just been watered down a little to try to get us to pass it.

The Appropriations Subcommittee that I chair listens to the testimony of the Corps of the Engineers, we hear the testimony of the officials from the States, the public witnesses, we know the massive problems. I hope nobody is getting hoodwinked by this amendment, because it is a bad amendment that would create chaos in this part of the country if it were to go into effect, and I hope it is voted down.

Mr. Chairman, the Mississippi River has the third largest drainage basin in the world, draining 41 percent of the continental United States, exclusive of Alaska. The basin covers more than 1,245,000 square miles. Its waters come from 31 States, and were it not for the levees, it would flood over 30,000 square miles, a territory greater than many of our States.

The river combines size with usefulness and is one of the most valuable assets of the United States. Through its aid to drainage, navigation, water supply, power, manufacturing, agriculture, and other incidental uses, it renders vital service to over 40 percent of that area of the country. At the same time, the river poses a significant and continuing flood threat to the inhabitants of the lower Mississippi Valley.

The Flood Control Act of 1928 authorized the necessary work to correct the disastrous flood problems created by the record flood of 1927, affecting seven States—Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

Congress took this action because 41 percent of the continental United States, exclusive of Alaska, sends its water down the Mississippi River. In recognition that local interests had spent $292 million in an effort to protect themselves from the floods of the river which are of immense volume and which flow from a drainage area largely outside of the States most affected and which exceed those of any other river in the United States, the 1928 act requires no local contribution.

The Mississippi River and tributaries project is one project addressing the flood problems of the seven States—failure to complete this project as a complete unit will totally cripple the project.

As chairman of the Subcommittee on Energy and Water Development of your Appropriations Committee, I have heard the testimony of Members of Congress, local interests, and representatives of the Corps of Engineers year after year outlining the critical need for this project.

Although only partially complete, the project, through its flood control benefits, has more than returned to the Nation the accumulated construction investment of approximately $3.7 billion from May 1928 to September 1984. For example, in the 1983 and 1984 floods alone, the project prevented an estimated $31 billion in damages. Hence, in two seasons, the benefits were nearly 9 times the investment in the project over the last half century. Add that to the previous tally, and it means the MR&T project has saved some $100 billion since its inception; all in all, a pretty good benefit-to-cost ratio.

In closing, let me reiterate my opposition to this amendment which if passed would create a tremendous financial burden on the people adversely affected by the flood waters of 31 States.

Mr. STANGELAND. Will the gentleman yield?

Mr. BEVILL. I yield to the gentleman.

Mr. STANGELAND. I thank the gentleman for yielding and I just would like to associate myself with his remarks, commend him for his observations, and commend the other speakers on this issue.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Pennsylvania.

I understand the gentleman's concern that cost-sharing provisions in this legislation be applied fairly and equitably, and I certainly share those concerns.

However, given the history and unique nature of the Mississippi River and tributaries project, to treat each element as a separate project would, in my judgment, be most unfair to the MR&T project—and I am sure that is not what the gentleman desires.

These are, in fact, not new projects; they are elements and features of a single comprehensive overall project. These works were authorized in 1929 as a flood control project, and that project is not completed. What remains is not new but represents additional steps toward completing an existing project. Each element is an integral and interdependent part of the overall project.

At the outset, it is important that the MR&T be viewed as a national project, rather than a regional one. The Mississippi basin drains 41 percent of the continental United States. It is, in fact, the fourth largest drainage basin in the world—and that has enormous implications for the lower Mississippi Valley.

The people in that region constantly endure the ravages of floods coming down upon them from over 40 percent of the land area of the United States. The situation is aggravated by the increased urbanization of our Nation, which has produced higher runoff rates and volumes and lower ground water tables. These developments have only increased the threat of flooding to the lower Mississippi Valley.

Studies by the Corps of Engineers show that within the lower Mississippi Valley alone, about 6 million acres of farmland were flooded in fiscal year 1984. Therefore, the need for the MR&T project is without question.

Frankly, it is unrealistic to expect citizens in those States in the lower Mississippi Valley to pay new or additional costs to protect themselves from devastating floods from outside their boundaries. In more ways than one, they have already paid enough.

I urge defeat of the amendment.

Mr. BEVILL. Mr. Chairman, I yield to the distinguished ranking minority member of our House Committee on Public Works and Transportation, the gentleman from Kentucky [Mr. SNYDER], and I would like to commend him, and Chairman HOWARD and Chairman ROE, the subcommittee chairman, and the subcommittee ranking minority member, Congressman STANGELAND for this fine bill here. I

commend you all for this fine bill you have brought to the floor.

This bill has been passed twice by the House and there is no reason to waste a lot of time on amendments like this. We ought to just vote them down and move on.

I yield to the gentleman.

Mr. SNYDER. I thank the gentleman for his commendation, but I certainly want to commend the gentleman for his statement and the others who have opposed this for giving good, articulate reasons as to why it should be defeated; it is mischievous, even though the proponent does not want to admit that that is the title for it, but I think it ought to be dismissed for being just that.

Mr. Chairman, I rise in opposition to the amendment.

The cost-sharing provisions of section 302 should not apply to the Mississippi River and tributaries project. In the last 56 years, the $3.5 billion spent by the Federal Government on this project has, according to estimates, saved $100 billion in the protection of property and lives.

The mighty Mississippi has been the benefactor of great economic wealth, and it has also brought pain, suffering, and devastation when its floodwaters have taken their toll. That is why the flood control part of this project was authorized in 1928; and it would never have succeeded as it has if it had been broken up into hundreds of individual projects as though they were totally unrelated.

This is a single project, albeit a large one, with many parts, and to apply a new cost-sharing formula to these parts by considering each as a separate project is unrealistic, unfeasible and unfair.

The people in the lower Mississippi River Valley have been fighting the floodwaters of that great river and its tributaries for years, and they have contributed substantially to flood control efforts. It is not their water which floods their land and their homes. It is water brought down to them from the upper reaches of the Mississippi.

The cost of the protection from rainfall from over 40 percent of the land area of the United States is beyond the ability of the citizens in the lower Mississippi Valley to pay, and it is totally unrealistic to expect them to do so.

I urge defeat of the amendment.

Mrs. LONG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Edgar amendment.

Mr. Chairman, the amendment would require affected States and local governments in the lower Mississippi Valley, including my own State of Louisiana, to share the cost of previously authorized but not yet constructed flood control projects in the region. Requiring cost sharing by these units of government represent a serious policy mistake and I urge my colleagues to reject the amendment for several reasons.

First, the Mississippi River and its tributaries is the third largest drainage basin in the world. The river system drains over 41 percent of the continental United States and parts of Canada. The Mississippi River represents a national asset, not a local one. Billions of dollars of interstate and international commerce depend on the river system for water, for power, recreation, and the transportation of food, fuel, and manufactured goods. Millions of Americans, in every State of the Union, directly or indirectly and whether they realize it or not, benefit from the river and its tributaries, and from the billions of dollars invested in it over time. Just as the benefits of the Mississippi River belong to all Americans, so do its problems. The costs of maintaining the river as a viable instrumentality of interstate commerce inescapably fall hardest on those who live near it, therefore, adoption of the amendment will simply make matters worse for all.

The Federal Government has been sharing the cost of flood control in the lower Mississippi Valley since the creation of the Mississippi River Commission in 1879. Congress recognized its larger Federal responsibility for flood protection in the lower Mississippi Valley in 1928. Congress noted that governments and residents of the region had already spent some $300 million for flood control prior to 1926, and that the valley had always borne the direct costs of flooding in loss of property and life. The Flood Control Act of 1928 authorized the Mississippi River and tributaries project to mitigate damages from future floods. The project included substantial local contribution of funds, rights-of-way and easements, and construction on the the Mississippi River and tributaries project is now more than three-quarters complete under the original authorization, as amended.

Mr. Chairman, Congress must not change the ground rules and suddenly subject the remainder of this massive project to the new cost-sharing formula contained in H.R. 3670. Flood control in the lower Mississippi Valley is a national problem because of the national importance of the Mississippi River. Congress recognized that fact in 1928, and nothing has changed since then.

Flooding in the lower Mississippi Valley does not restrict its impact to residents of the valley. Flood waters destroy all types of property—agricultural, commercial, residential, public and private indiscriminately. Floods on the Mississippi River interrupt traffic on national highways, waterways, and air routes with equal vigor. Anyone who believes flood control on the Mississippi River is a problem local to areas adjacent to it simply cannot see the big picture.

Second, Mr. Chairman, the ultimate effect of the Edgar amendment will be to end construction of necessary flood control projects in the valley. Louisiana tragically has the second highest unemployment rate in the Nation. This has caused substantial reduction in State and local revenues. State and local governments simply will not be able to raise their share of the cost at a time of reduced Federal aid and revenue. Future levee construction will be abandoned, and future floods will result in ever greater loss of life, property, and commerce. America as a whole will suffer and the flood damage and loss of life will cost the economy much more with just one massive flood than this amendment hopes to save. Federal emergency disaster assistance, lost property, revenue man-hours spent on cleaning up, and so forth, cost the economy hundreds of millions. And, because of the lack of effective flood control, the scenario would be repeated, time and time again, flood after flood.

Third, the imposition of cost-sharing on government in the region is unjust because the residents of the area already pay a disproportionate cost of flood control because of their proximity to the river. The Mississippi River and Tributaries project will not and cannot prevent floods; nature is by far the stronger actor. The floods which will continue to come and which will affect all Americans because the use of the Mississippi River system will always cost valley residents more. To require them to pay an increased share of the burden of protecting the interests of all Americans is unsound and unfair public policy.

Mr. Chairman, I again urge my colleagues to reject this amendment which jeopardizes the Mississippi River and Tributaries project. There is more at stake here than cost-sharing for Federal water projects. Flood control in the lower Mississippi Valley is a national problem with national implications. Residents of the region must not be asked to contribute more than their fair share of the cost of the flood protection which benefits all America. The Mississippi River and Tributaries project is more than three-quarters complete. Congress must not change the rules at this late stage of the game.

□ 1250

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Edgar amendment.

Mr. Chairman, I regret to see this debate develop in such a way that it appears to be Louisiana against the

rest of the world. As the representative of southeast Missouri, I want to assure my colleagues that there is indeed a lot more to this problem than just Louisiana.

The Mississippi is truly a national resource, but it is also a national problem. As such, I believe that my colleagues should come to understand the fact that the Nation should participate in the solution.

The Mississippi, if I may quote here, and I am going to refer to my source a little bit later, but I do want to quote now:

> The Mississippi is well worth reading about. It is not a commonplace river, but on the contrary is in all ways remarkable. Considering the Missouri its main branch, it is the longest river in the world—four thousand three hundred miles. It seems safe to say that it is also the crookedest river in the world, since in one part of its journey it uses up one thousand three hundred miles to cover the same ground that the crow would fly over in six hundred and seventy-five. It discharges three times as much water as the St. Lawrence, twenty-five times as much as the Rhine, and three hundred and thirty-eight times as much as the Thames. No other river has so vast a drainage basin: it draws its water supply from twenty-eight States and Territories; from Delaware, on the Atlantic seaboard, and from all the country between that and Idaho on the Pacific slope—a spread of forty-five degrees of longitude. The Mississippi receives and carries to the Gulf water from fifty-four subordinate rivers that are navigable by steamboats, and from some hundreds that are navigable by flats and keels. The area of its drainage basin is as great as the combined areas of England, Wales, Scotland, Ireland, France, Spain, Portugal, Germany, Austria, Italy, and Turkey; and almost all this wide region is fertile; the Mississippi valley, proper, is exceptionally so.

My source on this is none less than Mark Twain. He stated the magnitude and realization of the scope of the subject back in the 1880's when he wrote that wonderful volume entitled "Life on the Mississippi."

This truly is a national problem, and it ought to be treated as such as we arrive at our solution.

The gentleman from Pennsylvania [Mr. EDGAR] has crossed the aisle here and identified himself with the Republicans to say that the White House is in support of his position.

Let me say to my Republican colleagues and to my colleagues in the House at large, as a Republican, that I think the White House is wrong on this subject.

Mr. Chairman, I oppose the Edgar amendment, and I urge my colleagues to do likewise.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment on the floor and join, if I may, with the statement of my colleagues from Louisiana.

Looking at the map, you can see the reason for our opposition. All the water in an area larger than most nations on Earth flows through our town. And to have us pay the full 30 percent cost of flood control protection in that case is not in the Nation's interest nor our own.

I thank the chairman.

Mr. ROE. I thank the gentleman.

You know, I have been laboring in the vineyards with most everyone in this House, and it has nothing to do with partisanship. If the gentleman from Pennsylvania would listen, there is a series, I understand, which I read about, on the television now. It is colorful and talks about the heritage of our country. I believe the name of it is "The North and South." We have been doing budgets and all that sort of thing around here in the last couple or 3 weeks, and I have not had a chance yet to see any of the episodes. It talks about a Confederate and a Yankee. It has a person from the Confederacy, a young fellow, and a young fellow from the North.

As I understand it, they get together, and they become dear personal friends, and they go on to West Point, and they go in the service of their country. The division between the areas then arose, between the North and the South.

I think that the North and South battle is over. What happens in Louisiana or Mississippi or any other place down South has a material bearing on what happens in New Jersey as it does to what happens in the Midwest and the Far West.

I know I have spoken on this issue, and I have been concerned with this issue, myself, and I am sure people could come back to me and say, "Bob, you are chameleon, you are jumping from one side to the other." Well, I never was on one side or the other. The battle was fairness and equity. I wonder what we say when we come to a law that was passed in 1928 when the Congress decided this issue. I just think it is wrong, without public hearings and getting into the ramifications; what does it mean to just come up and put an amendment on the floor and say that, "From 1928 until now all bets are off because I don't believe it should be helpful in the Mississippi area, what we ought to do is cut that all off by one single debate."

So from my point of view, I reappraised my opinion because I, along with ARLAN STANGELAND, "JIMMY" HOWARD, the chairman of our committee, and the ranking minority member, Mr. SNYDER, we have talked about these different issues in equity and fairness. We came up with the point that we have been considering; in the bill we have a concern that has arisen in five of the States on the upper Mississippi, and in that particular concern we are developing the relationship of the economics involved, the dynamics of the natural areas, and what happens in those upper waters that affect the Mississippi. Five States are involved.

We are establishing a special commission. And the commission is going to be allocated, at least under the authorization, I believe, it was approximately $150 million.

We are going to spend $150 million to look at what happens up there. Strangely, though, strangely, in that authorization, there is not any cost sharing involved. There is not any cost sharing involved; and the reason for this is because it affects the entire dynamics of the beginning of the Mississippi River and its tributaries.

Rife throughout this bill is fair play, and I helped to write most of it, and I can tell you this, Member after Member in every State, and no State is sovereign on this comment I choose to make, in every single State Members have legitimately come to the committee and they have said, "We need an adjustment here, we need some help there, we can't afford to carry that there. Can the committee consider this?"

I would suggest to you that if you were to look at the bill in depth and you were to pick out point by point, we have been generous, because the generosity was needed to be able to get the job done in the national interest.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. ROE was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I understand the gentleman's comments. I just want to point out to the gentleman that in the bill that the gentleman brought to the House floor 1 year ago in the last Congress, we had in fact included language like my amendment today, to treat the tributaries to the Mississippi like all other tributaries to all other river systems. The flood control cost sharing in our bill as we brought it to the House floor last year included the language that I am now asking to include here.

I would just urge the gentleman to accept it now like he did in 1984.

Mr. ROE. If I may recapture my time from the distinguished gentle-

man, the gentleman is speaking to this issue, as he well knows and as I know, being dear personal friends, as to what my feelings are, but I have to respond in this way: In the great sovereign State of Pennsylvania, when you had the Johnstown Flood and half of the area was going into other States, the same Congress of the United States voted to help the great sovereign State, the Commonwealth I believe it is, of Pennsylvania because the people needed the help.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. ROE. No, I have only got a few seconds. I will get another 5 minutes. I do not want to spend all day arguing with you on this.

We have been on this issue for the last 3 years.

□ 1305

The point in question is that we all helped each other all throughout this country. I remarked to myself last night, I thought to myself, "Isn't it ironic that we should be bringing a water resources bill up, at all times, now?" Half of Louisiana is under water, we have had the Gloria storm, we have got toxic wastes running down the Susquehanna, part of my State is under water, we have a situation in West Virginia where I understand the dam broke, half of West Virginia is under water, and we get into talking about nit-picking, "We will do a little here and we will do a little there," and I am so tired—if I can say this, and if you will indulge me, being very tired myself today, when we have worked on this bill, and each one of you, almost, individually, as we worked on the bill, everybody comes——

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has expired.

(By unanimous consent, Mr. ROE was allowed to proceed for 3 additional minutes.)

Mr. ROE. Everybody comes up and they tinker, "We will move this language over here, and maybe what we will achieve * * *." Do you know what that tinkering does? It does somebody else in. It is not fair. It is not equitable. It is all well to go and try to grab something out of the pot, but it is fundamentally wrong if we deny somebody else, and that is the one code that this committee has worked on, that is the one code this committee has taken. We have taken the point of view that we have got to be fair.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. ROE. One more time, yes.

Mr. EDGAR. I just want to remind everybody that I support the bill. The gentleman from Pennsylvania assisted the gentleman from New Jersey in writing the bill. The bill is a good one, it is pulling together.

Mr. ROE. Then let us vote.

Mr. EDGAR. The gentleman from Pennsylvania is not offering an amendment that is tinkering. It is at the fundamental heart of the question of fairness, equity and cost sharing. And it will save millions of dollars.

I thank the gentleman for yielding.

Mr. ROE. I thank the gentleman one more time for his great contribution and also, seriously, for his help on the bill. The gentleman has been marvelous on that, and I want to thank him very much for his help.

It is reasonable that brothers can disagree once in a while, and this is a point I disagree on.

I would urge the Members to join together and let us end this debate on this issue once and for all and vote down the Edgar amendment.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me thank the gentleman from New Jersey for all his splendid help on this bill, and particularly his defense of the structure of the bill that does protect those of us who accept so much water into our State in Louisiana.

Water is a blessing. Those of us who are of the Christian faith use water in our baptismal ceremonies. Most religions refer to water as a source of life. We in Louisiana certainly know what a blessing it is. We call ourselves the Bayou State. We have got more water I think than most people could ever realize. We have waters and streams and rivers and coulees and bayous and canals, and you name it, we have it.

We also know that water can be a curse and a great burden. I recently came back from my district, where about 40,000 homes were recently under floodwaters. And to call that water a blessing is certainly wrong. It was a curse. It was a killer. It destroyed lives and destroyed families and homes. We have seen what floodwaters did in the Shenandoah Valley in the last couple of days.

Water to Louisiana is both a blessing and a curse. We are particularly dangerously situated when it comes to water. We are backed up, on one end, by the Gulf of Mexico, which can get awfully mean and awfully treacherous, as we have seen as Hurricane Juan made its way into the coastal areas of Louisiana and continually dumped coastal water upon us. Some communities in Louisiana received as much as 25 inches of rain water in 1 month, 7 times more than some of the Western States get in a year. In 1 month, 25 inchs of water.

And it is no coincidence when the great Mississippi River system is cresting, and one crest after another comes down to Louisiana from 31 States, that the backwaters of Louisiana begin to flood, and the backwater areas, the bayou country, becomes deeply inundated with water, and more and more lives and property become threatened by this curse and this burden.

Now, to say to a State and to its people that you must accept this high water that is a curse and a burden, outside of its blessing; that you must accept it as part of this national flood control system for this great river basin; you must accept it on behalf of those other citizens of our Nation who want to get rid of it because it is a curse to them; to say that when you accept it, you have to pay some additional burden in dollars, that in addition to lost lives and damages to families and property, you also have to put up some money, to accept the curse and burden of more water upon your people, is a little strong.

I do not think the gentleman from Pennsylvania means to say that, but that is what the amendment does. It tells the folks at the end of the great Mississippi funnel, when you accept all that additional burden of drainage, you also have to pay to take it. That is like telling people in Louisiana that "We are going to send you our hazardous waste, and we also want to make you pay to take it." There is something wrong with that kind of logic. The logic that makes sense is that if our State is going to be at the bottom of the funnel, threatened to the south by the waters of the gulf, if we are going to accept the additional burden and responsibility of all the additional water coming to us from 41 percent of the land mass of our Nation, that we ought not be required to pay to take it. To the contrary, ought to be given some help in dealing with it, to prevent the kind of loss and destruction that I have recently witnessed in my State.

Mr. Chairman, I urge the defeat of the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. EDGAR].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EDGAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 296, not voting 14, as follows:

[Roll No. 394]

AYES—124

Ackerman	Bryant	Eckart (OH)
Applegate	Carper	Eckert (NY)
Archer	Cobey	Edgar
Armey	Combest	Edwards (CA)
Barnes	Conte	Evans (IL)
Bartlett	Conyers	Fawell
Barton	Coughlin	Feighan
Bates	Crockett	Fiedler
Bedell	Daub	Fish
Berman	Davis	Foglietta
Boehlert	Dellums	Frank
Bonior (MI)	Derrick	Frenzel
Borski	Dingell	Garcia
Boxer	Downey	Gejdenson
Brown (CO)	Dreier	Gibbons

Goodling
Gradison
Gray (PA)
Green
Gregg
Henry
Hertel
Hyde
Jacobs
Jeffords
Johnson
Kaptur
Kastenmeier
Kildee
Kindness
Kleczka
Kostmayer
LaFalce
Leach (IA)
Levin (MI)
Lundine
Lungren
Mack
MacKay
Markey
Martin (NY)
McCollum
McDade
McHugh
McKernan
Meyers
Miller (OH)
Miller (WA)
Moody
Morrison (CT)
Mrazek
Neal
Nielson
Nowak
Obey
Petri
Porter
Pursell
Ritter
Russo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Sharp
Sikorski
Siljander
Smith (FL)
Smith, Robert (NH)
Snowe
Solomon
Stallings
Stark
Studds
Swindall
Synar
Tauke
Towns
Vander Jagt
Vento
Walgren
Walker
Waxman
Weber
Williams
Wirth
Wolpe
Wortley
Yates
Yatron
Zschau

NOES—296

Akaka
Alexander
Anderson
Andrews
Annunzio
Aspin
Atkins
AuCoin
Badham
Barnard
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Biaggi
Bilirakis
Bliley
Boggs
Boland
Boner (TN)
Bonker
Bosco
Boucher
Boulter
Breaux
Brooks
Broomfield
Brown (CA)
Broyhill
Bruce
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carr
Chandler
Chapman
Chappell
Chappie
Cheney
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Cooper
Courter
Coyne
Craig
Daniel
Darden
de la Garza
DeLay
DeWine
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fazio
Fields
Flippo
Florio
Foley
Ford (TN)
Franklin
Frost
Fuqua
Gallo
Gaydos
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gray (IL)
Grotberg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kasich
Kemp
Kennelly
Kolbe
Kolter
Kramer
Lagomarsino
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Madigan
Manton
Marlenee
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCurdy
McEwen
McGrath
McKinney
McMillan
Mica
Michel
Mikulski
Miller (CA)
Mineta
Moakley
Molinari
Mollohan
Monson
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Nichols
O'Brien
Oakar
Oberstar
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Pickle
Price
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Sabo
Saxton
Schaefer
Schuette
Schulze
Shaw
Shelby
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (OR)
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Strang
Stratton
Stump
Sundquist
Sweeney
Swift
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Visclosky
Volkmer
Vucanovich
Watkins
Weaver
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Wilson
Wise
Wolf
Wright
Wyden
Wylie
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—14

Addabbo
Anthony
Clay
Crane
Dannemeyer
Daschle
Evans (IA)
Ford (MI)
Fowler
Loeffler
Mitchell
Nelson
Slaughter
Weiss

□ 1330

Mrs. ROUKEMA and Messrs. COBLE, CHAPMAN, ROWLAND of Connecticut, and WEAVER changed their votes from "aye" to "no."

Messrs. YATES, ECKERT of New York, and NIELSON of Utah changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, I unavoidably and inadvertently missed the vote on the Edgar amendment to H.R. 6, Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985. I was within 1 minute of the vote, but I did not get here on time. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 93, strike out line 14 and all that follows through line 8 on page 95.

The CHAIRMAN. The gentleman from California [Mr. BROWN] is recognized for 5 minutes in support of his amendment.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I am happy to yield to the distinguished chairman of the subcommittee.

Mr. ROE. Mr. Chairman, I thank the gentleman from California for yielding.

For the benefit of the Members, I understand that there are a number of Members who are on conference committees or in committee sessions who would like to have an opportunity for the gentleman from California to yield to them.

Therefore, Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. BROWN] be given an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. BROWN] is recognized for 10 minutes.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of this measure and commend the committee for its action.

Mr. Chairman, I support this measure offered by the members of the Public Works and Transportation Committee. I commend Chairman HOWARD and Chairman ROE and the members of the committee for bringing to the floor of the House a fair piece of legislation dealing with an important function of the Federal Government. I especially want to commend Chairman ROE and the Subcommittee on Water Resources for crafting a bill that addresses very effectively an area of vital national importance.

In my opinion, this measure takes balanced and equitable approach to the improvement of our national infrastructure, the conservation of our water resources and development of a water plan for the Nation. In addition, this measure establishes a plan for dealing with the problems of flooding in communities across the United States. I am especially pleased that a project of major importance to the people of my district is included in the bill, with language that establishes a fair approach for the city of Austin and the Federal Government to work together in protecting the homes and businesses of the people of East Austin. The project I speak of is the Boggy Creek flood control project.

Boggy Creek is a tributary of the Colorado River. The Colorado, in the course of its route to the Gulf of Mexico, runs through my congressional district and through the city of Austin.

Normally a thing of beauty, the Colorado River can, on occasion, become a dangerous torrent of flood waters. When a central Texas thunderstorm descends on the Austin area and lingers for a long enough amount of time, the Colorado will swell and back into its tributaries. Boggy Creek has been described by the flood control experts at the U.S. Army Corps of Engineers as a large, natural fishbowl waiting to be filled with water. When that happens, the more than 2,000 businesses and homes surrounding Boggy become part of the creek and are flooded, causing tremendous damage to

residences and businesses along its banks. This results in great financial cost to the owners and the possibility of physical harm to those people caught in the flood.

For many years, I have worked with the U.S. Army Corps of Engineers, the city of Austin, and my colleagues on the Public Works and Transportation Committee to secure Federal involvement in a flood control project on Boggy Creek. The measure before us today contains the result of that work.

H.R. 6 goes much further than assisting the people of one Texas city. It establishes projects across the country, where people need some assistance and expertise in establishing flood control projects, port development, inland waterway projects, shoreline protection, and water resources policy development.

This is a much needed measure and I urge the Members of Congress in both the House and Senate to expedite its passage.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to my friend, the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Chairman, the water resource authorization bill before us today is extremely important to my State of Oklahoma. I rise in support of it and commend the committee.

Mr. Chairman, the water resources authorizing legislation before us today is of the highest importance to the State of Oklahoma. Years of delay on authorizing these critical flood control and water quality projects have stymied development, restricted water use, and cost lives and millions of dollars of damage in flooding.

Last year this body passed legislation similar to H.R. 6. Unfortunately, the Reagan administration refused to accept the cost-sharing provisions, and Oklahoma and other States with pressing projects were left to wait at least another year.

We can wait no longer. In my home city of Tulsa, a flood control system for Mingo Creek has been on the drawing board for years. Last Memorial Day, after heavy rains, the creek overflowed its banks and unleashed a flood which took many lives and cost close to $200 million in damage. That is more than twice the Federal cost of the flood control system.

South of Mingo Creek, in southeast Tulsa and Bixby, OK, Fry Creeks are in desperate need of improved channelization. This bill provides the necessary funding for that project, alleviating the flooding which hits on an annual basis with the spring rains.

H.R. 6 also provides badly needed funding for other projects throughout the State of Oklahoma.

While Sardis Lake is now complete, poor access has limited its appeal as a recreation area. This bill allows for the upgrading of the existing access road, and also provides a small sum for recreation facilities.

The Parker Lake project, just east of Ada, OK, when complete will provide a stable supply of water for many cities in the Oklahoma City area. The recent rapid growth in that area has put pressure on existing water sources. Parker Lake will go a long way toward easing that pressure.

Fort Gibson Lake, a critical source of power for the region, has ample capacity for more power generation. H.R. 6 will allow the addition of two more hydropower units.

Finally, Mr. Chairman, the bill authorizes construction of the treatment and conveyance system of water from Lake Arcadia to Edmond, OK. This project, which will be paid for over the long term by non-Federal interests, provides badly needed water for the growing Edmond area.

Mr. Chairman, these projects are extremely important to the health and growth of the State of Oklahoma. They are all clearly in the national interest, and I am pleased that they have been placed in this legislation.

I urge my colleagues to join me in supporting H.R. 6, and I hope that the other body will act quickly to approve it as well. We have waited long enough.

Mr. LEHMAN of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I am happy to yield to my friend, the gentleman from California.

Mr. LEHMAN of California. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, I would like to commend the chairman and members of the Public Works Committee for their efforts in drafting H.R. 3670/H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985. This bill addresses a number of important issues, including flood control, water conservation, and basic infrastructure projects vital to the Nation, and I am pleased to lend my support to the legislation.

I would, however, like to take this opportunity to express my concerns regarding the Redbank-Fancher Creeks flood control project located in Fresno County, CA. The project, as proposed by the corps and local sponsors and as described by the "Report of the Chief of Engineers, dated May 7, 1981," addresses a very serious flood control problem which annually threatens the Fresno-Clovis Metropolitan area, provides for additional water storage to relieve a serious ground water overdraft problem, and allows for recreation and habitat development. These are all important components of the project and have long had the support of the affected local communities.

My specific concern relates to the inclusion of the recreation component. The May 7, 1981, corps report cited by the legislation and the accompanying House report—Report 99-251—describe the components of the project and specifically cite recreation as an integral part of the project. According to the House report, "Recreational facilities at Big Dry Creek Reservoir will provide for boating, fishing, and picnicking, and 70 acres of riparian species will be planted around the reservoir." However, in its letter of transmittal dated November 17, 1983, the corps, citing administration policy, unilaterally removed this component from the project.

While I have been assured by the chairman of the Public Works Subcommittee on Water Resources that it is the intent of the legislation that the recreation component be included as part of the project pursuant to "Report of the Chief of Engineers, dated May 7, 1981," as cited by the bill, I would like to reiterate my concern that the intent of the legislation be met. As clearly indicated in the corps report, recreation and the riparian habitat development are vital elements of this project and are obligations which should be fulfilled by the corps. The decision by the corps to remove this component from the project in its letter of transmittal was an administrative decision done without the advice from local sponsors and inconsistent with the intent of the legislation.

As the corps report indicates, the recreation and riparian habitat needs of the area will be well served by the inclusion of this component and are certainly justified under the responsibilities of the corps in this regard, and I urge the corps to meet the intent of the H.R. 3670/H.R. 6 as it relates to the Redbank-Fancher Creeks project.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I rise in support of the legislation. I commend the subcommittee chairman and the committee for this excellent bill.

I would like to express my appreciation to Congressman BOB ROE for his diligent efforts on H.R. 6, the Water Resources Conservation, Development, and Infrastructure, Improvement and Rehabilitation Act. I especially appreciate the attention which the chairman has given to the inclusion of the Cleveland Harbor improvement project in the bill. The activity surrounding the development of the Cleveland Harbor and lakefront is an integral part of the continuing revitalization of the economy of Metropolitan Cleveland. Ohio and Cleveland public officials, the private sector and the Army Corps of Engineers have worked closely together and are in agreement that the work on the Cleveland Harbor needs to be undertaken. This work will create important jobs for Clevelanders.

H.R. 6 authorizes $36 million for the deepening and widening of the east harbor entrance, bulkheading and other necessary repairs for Pier 34 and approach channels and necessary protective structures for mooring basins for transient vessels, as well as other work to be recommended by the Army Corps of Engineers. The approval

of this bill moves us one giant step forward in a Federal, State, and private cooperative effort to bring the Cleveland Harbor improvement project to fruition.

I especially appreciate the colloquy between Congressman ROE and Congresswoman MARY ROSE OAKAR to clarify the intent of Congress with regard to the development of this project. I would like to reiterate my understanding that H.R. 6 provides to the Army Corps of Engineers the necessary authorization for the sheeting, bulkheading, and related improvements to Dock 24, Dock 32 and Dock 36, as well as the removal of navigational impediments at specific bridges, the correction of "bow thruster" problem areas and other infrastructure problems at the Cleveland Harbor. As I understand it, it is the committee's intention that these activities be undertaken by the Army Corps of Engineers and, further, that the Corps of Engineers work with Ohio and local officials in permitting local funds spent on the basin south of Pier 34 to be part of the local match required for all of the project components comprising the Cleveland Harbor improvement project.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. Mr. Chairman, let me point out that I am yielding to all these Members on the assumption that they are supporting my amendment, and, of course, I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I have been with the committee so far.

Mr. Chairman, if the gentleman will yield, I would like to engage in a very brief colloquy that we have been waiting to have for some time with the distinguished chairman, and I rise in support of the bill as well.

I thank the gentleman for yielding to me for a colloquy, and I would ask that he yield to the distinguished chairman also.

Mr. BROWN of California. I certainly yield to the gentleman from New Jersey.

Ms. OAKAR. I would first like to commend the chairman of the Water Resources Subcommittee and the members of the Public Works Committee for their outstanding work on this vital legislation. I am grateful for the committee's attention to the navigation and infrastructure needs of Cleveland's Harbor, for which $36 million is authorized in H.R. 6.

Mr. Chairman, I would like to clarify the committee's intent with respect to the project. Is the committee's intent to provide for the deepening and widening of the east entrance to the Cleveland Harbor?

Mr. ROE. That is the intent.

Ms. OAKAR. Is it also the committee's intention that bulkheading and other repairs to pier 34 be performed to remove potential navigation hazards, and that cost sharing be consistent with provisions relating to navigation?

Mr. ROE. The gentlewoman is correct.

Ms. OAKAR. Is the committee's intent to direct the Corps of Engineers to work in conjuction with the State of Ohio and local authorities in the construction of the basin south of pier 34, particularly in allowing local funds spent on the basin to be part of the local share of funding for all work elements in the authorization?

Mr. ROE. The gentlewoman is correct.

Ms. OAKAR. Does the committee recognize the purpose of this basin for mooring smaller vessels that seek safe harbor in the event of dangerous weather that can occur suddenly in Lake Erie, and is the local non-Federal cost to be consistent with the formula established for shallow ports, those between 14 and 20 feet deep?

Mr. ROE. That is the intent of the committee.

Ms. OAKAR. Finally, Mr. Chairman, does the authorization also permit sheeting, bulkheading, and related improvements to Dock 20, Dock 24, Dock 32 and Dock 36, and along the navigational channel of the Cuyahoga River, as well as the removal of navigational hazards at specific bridges, the correction of "bow thruster" problems, repair and building of breakwalls, and other related navigational and infrastructure problems at the Cleveland Harbor area as will be identified by local authorities working in cooperation with the Corps of Engineers and this committee, subject to the provisions of section 103?

Mr. ROE. The gentlewoman from Ohio is again correct.

Ms. OAKAR. I thank the gentleman for yielding. I thank him for his courtesy and leadership. I thank the gentleman from California very much as well.

Mr. BROWN of California. Mr. Chairman, if there are no other Members who wish to have me yield in order to endorse my amendment, I will proceed.

Mr. Chairman, I also ask unanimous consent that in the event that my amendment is not properly designated because I have not followed all of the changes that have already been made this morning, that it be properly referenced to the Santa Ana River mainstem project in California which it intends to knock out of the bill.

Mr. CHAIRMAN. The Chair is aware that the amendment is properly drafted.

Mr. BROWN of California. If the amendment is properly drafted, Mr. Chairman, then I have no request.

Mr. CHAIRMAN. The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I support this bill, and I intend to vote for it. I also support the Santa Ana River project, and if I knew what it was, I would vote for that. Unfortunately, this bill purports to authorize a project which has not yet been approved.

We were further ahead in the design and approval of this project 3 years ago than we are today, and I would like to indicate on this chart what the situation is. We have a very significant flood control problem in California on the Santa Ana River. The river originates in the mountains, flows through my district, which is indicated in green here, flows on down across the boundary into Orange County, and goes on out to the ocean.

Now, 3 years ago the Corps of Engineers had approved the all-river plan which included the Mentone Dam, located at this point. I supported that. I still support it. All of the public agencies support it. What happened is that after the project went to the next level in the Department of the Army, it was vetoed by then Assistant Secretary Gianelli.

□ 1340

Mr. Gianelli's reasons were that there were some objections locally for environmental reasons and that it costs too much.

This is the single most costly element of this project. It is approximately a half a billion dollars. We are not talking about chicken feed here; we are talking about a half a billion dollars.

Unfortunately, the committee bill that we have before us, as originally before us, and the committee report still refers to the Mentone Dam as being authorized. It is not authorized. It has already been vetoed.

The Corps of Engineers has initiated a new study for an alternative. That study has been completed, and they have recommended a smaller dam higher up in the mountains.

That is satisfactory to me. I have no problems with it. It only provides about 80 percent of the flood control that the Mentone Dam would, and it has about 80 percent of the cost, but it is satisfactory.

Now, where do we stand on the alternative?

Well, the district Corps of Engineers recommended that plan about 2 months ago. The local agencies have supported it.

You have received a "Dear Colleague" letter from some of my friends in Orange County indicating that all the local people agree on it. I agree on it. That is not the issue.

I would settle for that plan, but here is the problem. Everyone also agrees that this project must be completed as a whole, that it cannot proceed with the parts which protect Orange County from flood and leave the only part of the project which protects San Bernardino County and Riverside

County from flood in limbo, and that is the situation we are in today.

We are in limbo because there is no approved plan.

Now, I am not trying to be obstructionist about this matter. I told my good friend, the gentleman from California [Mr. PACKWOOD], and I have told the chairman of the full committee and the chairman of the subcommittee that if we could get assurances that this project would be approved by the administration, I would not offer an amendment, and I mean that sincerely, because I support the currently recommended project.

So what has happened? The chairman fought diligently yesterday to get a letter from the Corps of Engineers or from the Department of the Army endorsing the current plan as recommended by the corps and what he got was a letter saying that "in September the L.A. District Engineer completed his draft report on possible alternatives to Mentone. The report is still under review by the Corps of Engineers, so its findings, conclusions and recommendations, are subject to revision."

Well, we were further along than that 3 years ago when they knocked out Mentone. That is not exactly the sort of assurance that I am looking for, assurance that my district, my two counties are going to be protected. I want to see what those revisions are. Does it include minor changes in the design of the dam or does it include knocking it out, as happened 3 years ago? I think we are entitled to an answer.

Now, the committee in its wisdom and with the strong initiative of Congressman PACKARD who is on the committee, has sought in every way they could to reassure me that the upper part of this project would go ahead.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 5 additional minutes.)

Mr. BROWN of California. At one point in the bill, at the initiative of the gentleman from California [Mr. PACKARD], there was language that the project could not proceed unless the final approved design of this alternate dam had been brought back and approved by the Public Works Committee in the House and a similar committee in the other body.

Now, does that give me the assurance that I seek? I will tell you in all honesty that it does not. And why does it not?

I have here a quotation, a letter from the U.S. Department of Justice, Office of Legislative and Governmental Affairs, sent to the chairman of the Senate committee just a few months ago. This letter says, among other things, the language that no appropriation shall be made without the approval of the House and Senate committees, would be without any legal significance.

In other words, it is a nullity.

Now, I appreciate the good faith of the committee members who have sought to reassure me that they would protect the interests of my constituents. I think they did so in full good faith. I know they did so in good faith, but they are under some misapprehension.

In a "Dear Colleague" letter which several of my colleagues in Orange County sent out, they stated, for example, that the Senate has maintained the integrity of the project by authorizing the entire project. That is not true.

The Senate has specifically said the upper Santa Ana Dam is not authorized and will not be authorized until it has been approved by the administration. The chairman of the subcommittee knows that.

Unfortunately, even in the report of the Public Works Committee the language is still there referring to Mentone, although recognizing that there needs to be an alternative.

Unfortunately, I hesitate to say this, and I will quote from the committee report:

> The committee notes the particular concerns with regard to the Mentone Dam. Accordingly, although the total plan is authorized—

This is in the report—

> The Corps is directed to acquire land for and construct only the following elements—

And it lists everything else except the dam that is of concern to me.

Now, what is the effect of this? My friends in Orange County point to the billions of dollars of assets in their county that are in danger. Those assets are currently protected by a dam right here in Riverside County. They say that we have got to move quickly to raise this dam and give further protection to Orange County.

We had a major flood in California in 1969, just 16 years ago. That flood did close to 100 million dollars' worth of damage. That would be a quarter of a billion dollars today.

Where did that damage take place? Not a dollar of it was in Orange County. It was all in my district.

So we have a bill now which provides adequate protection for Orange County, but leaves the two counties of San Bernardino and Riverside in limbo as to whether there is any protection whatsoever for them.

Now, I hesitate to make one final point, but I will. There have been some rumors to the effect that I might be trying to be an obstructionist to this bill because I was peeved at some of my dear colleagues in Orange County because they made such an assiduous effort to defeat me in last year's election. I resent that kind of remark because it belittles the importance of the points I have just been making. The interests of my constituents are all that concern me and I think that I am entitled to demand assurances that we are not going to suffer half a billion dollars damage in the next big storm, while Orange County suffers no damage, because we have no approved project on the upper part of the Santa Ana River which will give us any protection in the area I have outlined in green, which just happens to be my district.

Now, I have not made a big effort to conduct a campaign on this. I have expressed my concerns to the committee members. I want to fully explain it to the House. I think my position is reasonable. I would like very much to have the support of the House in taking this project out, not permanently, but just until the design is completed.

The Senate will not consider approving a plan until it has gone through the full approval process in the administration. But in their anxiety to do something to take home to their constituents, certain of my colleagues from Orange County want to rush this project along.

I know they did this in good faith and I am not questioning it. I know they want to protect me and I appreciate that. But as I have explained, I still do not feel protected. I ask your consideration and support for this amendment.

Mr. PACKARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have struggled with this project for the last 3 years as we have been drafting H.R. 6. We have spent an inordinate amount of time trying to address the concerns of all agencies involved.

This project covers at least three counties in the State of California. It is no small process to address the concerns of each county and particularly each Member that has some interest in this project.

We have consistently tried to put in the language of the bill, wording that would resolve the concerns of the gentleman from California who has just addressed us.

There is no project in the country that has been deemed to be a more important flood control project than this one. It has more potential for danger and for damage in terms of dollar amounts than any project in the country.

Certainly this project cannot and ought not be eliminated, as the gentleman's amendment would do. To eliminate this project from the bill would doom it to failure. It would not be reintroduced. It would not be reconsidered by the committee in the near future. It would be impossible for us.

This is the first water bill of any consequence that has come before this body for the last 8 years. To expect this committee to take this project as a freestanding bill next year or the following year, after the final reports have been submitted, is totally inconceivable. It will not happen.

Therefore, this project would be delayed for what I believe would be at least a decade before it could be brought before this body again.

Second, the corps has completed its studies and has submitted its preliminary reports. We simply are waiting now for their final report which they have said would be before us in 1 month. Then the rest of the approval process would simply be pro forma, would not be altered. Because of the timing it would be impossible and irresponsible, in my judgment, for us to delay this project or to eliminate it from H.R. 6, as the gentleman's amendment would do.

Third, the other body, according to the gentleman's own statements, has eliminated the upper portion of this project from their bill. If that is the case, and I am not certain that it is because they have included the entire amount of money required for the full project, their intention is to approve the entire project, recognizing that there is yet some unfinished study work and report work to be done. They have made it very clear, however, in their report language that they intend to include this as part of the project and it will be done at the appropriate time. They would not have included 100 percent of the funding for the entire project otherwise.

If the gentleman is correct in stating that they have not included this upper portion of the project in their bill and then he seeks to eliminate this project from our House bill, I do not understand how he then feels that we could include this in conference committee action that would allow the whole project to survive. It would eliminate the upper portion of the project from conference and would destine this entire project to failure, in my judgment.

I think it would be imprudent, and unwise, and certainly shortsighted for us not to include this project, along with the multitude of other water projects across this country, in H.R. 6.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I am happy to yield to the gentleman.

Mr. BROWN of California. Mr. Chairman, as I said before, my distinguished colleague from Orange County has really gone out of his way to seek to accommodate the interests of my constituents and I have expressed my appreciation to him.

I think the gentleman is aware of the difficulties in providing absolute assurances. Even if the Chief of the Corps of Engineers approves this project, he cannot guarantee me, and the letter we just received today from the Department of the Army makes that clear, that the upstream dam would be approved at the level of the Corps of Engineers, at the level of the Army.

Now, what I would like to have from the gentleman and the reason that I have suggested that we knock out the whole project—let me back up just a moment.

The Senate bill provides authorization to proceed with construction on the lower two-thirds. The House bill in the report language does the same thing.

I would like the gentleman's assurance that, first of all, he will seek to change the House report language; second, he will not accept a bill in conference that does not allow the whole project to proceed together.

Can the gentleman give me that kind of assurance?

Mr. PACKARD. I can certainly give the gentleman assurance that I will work to that end, but I cannot make assurances for the Department of Defense. I cannot make assurances for what will definitely be included in the House report.

The CHAIRMAN. The time of the gentleman from California [Mr. PACKARD] has expired.

(At the request of Mr. BROWN of California, and by unanimous consent, Mr. PACKARD was allowed to proceed for an additional 6 minutes.)

□ 1355

Mr. PACKARD. But certainly I can make assurances to the gentleman from California that I will work to that end, becuase I do not think we are at variance on that point.

Mr. BROWN of California. If the gentleman will yield further, I want to be even more precise.

Would the gentleman assure me that he would not support a bill which allowed the construction of the part of that project which benefits his district unless the part that benefits my district can be included; that he would not vote for such a bill?

Mr. PACKARD. Mr. Chairman, if I may reclaim my time, I can tell the gentleman that I have worked hard to put that kind of language in the bill, and I think that there is basically language now in the bill that addresses this project to that effect. It will protect the upper portion of the project so that it can move forward simultaneously with the rest of the project. Again, I will work to that end.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I would be happy to yield to my friend, the gentleman from California.

Mr. LEWIS of California. I appreciate my colleague yielding.

Mr. Chairman, I do understand the concerns being expressed by my colleague, the gentleman from California [Mr. BROWN], but it is my understand that those sections of the bill as printed which referred to all sorts of portions of the project that might be constructed, and did not refer to the northern portion, have been struck from the bill, and that the Howard amendment takes directly into consideration the concerns the gentleman is expressing. It not only talks about the total dollar amount; it also talks about the report that is in transition.

That, which the gentleman is expressing, concern about in terms of a lack of recognition of the upper portions of this project have been taken care of by the committee.

Mr. BROWN of California. If the gentleman will yield further to me on that point, I will read the language in the bill, just to make sure there is no misunderstanding.

> Actual, physical construction of the project may commence upon adoption of a resolution of agreement for said construction by the non-Federal sponsoring agencies.

That language, according to the best legal opinion I have, is null and void, just like the previous language about approval by the two committees.

Not only that, it does not even specify whether it requires unanimous consent, which would protect San Bernardino. It could be done by a majority vote of all the boards of supervisors, which might very well approve a project that did not include that specific upper river dam or included some less satisfactory provision.

Mr. PACKARD. Mr. Chairman, let me reclaim my time and simply assure the gentleman that our intentions and the intentions of the committee are to address the concerns that the gentleman has expressed. As far as commitments are concerned, as far as the legality of the language, I think it is as legal as any other language in our bill, but nevertheless, I think the gentleman understands our intent. But to make assurances on hypothetical circumstances that we cannot foresee, I am not sure that we could make those kinds of assurances under any circumstances.

The gentleman has my word that we will work toward the concerns. We have in the past. We will continue to do so in the future in conference and in other areas where the bill will have to move. I think that is all we can offer to the gentleman from California. I hope that will be satisfactory and that he would not see fit to introduce an amendment to strike the entire project, which I think would be particularly counterproductive for his own constituents and certainly for a project that is in the best interest of

California and the many people that we represent.

Mr. BROWN of California. If the gentleman will yield further, I would say that I am equally as sincere as the gentleman in wanting this project with the upstream dam. It so happens that without the upstream dam, my constituents, the constituents of Mr. LEWIS, the constituents of Mr. MCCANDLESS, have no protection. We are the ones who suffered the $100 million damage in the last storm, not Orange County.

Mr. PACKARD. Mr. Chairman, if I may reclaim my time, I think the gentleman is aware, though, that we have included the upstream dam as the alternative now in the House version. That upstream dam is not in the Senate version and for that reason it is essential that we leave it in the House version so that it might become a conferenceable item. We have the assurance that the Senate is willing to accept that alternative, but it has to be conferenceable. If you remove it from the entire project, we have no conferenceable project for the gentleman's district.

Mr. BROWN of California. If the gentleman will yield further, as long as we are conducting a dialog here, I appreciate the point the gentleman makes. The Senate position, of course, is that they will not have anything in their authorization that has not been approved by the Corps of Engineers and by the Department of the Army, which means that they might not be willing to conference it. If that is the situation, and the House yield to the Senate, then you have authorization for the lower two-thirds.

Mr. PACKARD. Mr. Chairman, in response to that, I think that the intent of the Corps of Engineers is to have the study completed before conference, and the Senate will be able to move with an approved project. Therefore, it will be addressed in the conference, in my judgment.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, again, this is a matter among brothers, and unfortunately, there are all brothers and no sisters on this delegation, but let me point something out.

I think what the gentleman from California has raised with his chart has merit. We looked at this and studied it in depth, as Mr. PACKARD knows, who worked so diligently on the committee on this issue, and I deliberately got in touch with the Corps of Engineers and met with them, along with members of our committee, and the gentleman from Minnesota, ARLAN STANGELAND.

We said, "We want to review this because we are concerned about the issues that Mr. BROWN of California has raised, and the concerns raised by the gentleman from California, Mr. PACKARD, and we wanted to be sure of certain basic, factual items. The factual items were: Is there such a thing as a Santa Ana water resource flood control program? Is that what you are talking about, the river? Bring us some charts and maps and let us study this, being technically trained myself, so we can take a look at this."

Then I said to them, "I would like to have a communique, which I will include in the RECORD, from the Department of the Army.

The letter follows:

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, DC.

HON. ROBERT A. ROE,
Chairman, Subcommittee on Water Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN ROE: This is in response to your recent request for information regarding the Corps of Engineers investigations of flood control alternatives along the Santa Ana River main stem in southern California.

As you know, the fiscal year 1984 Supplemental Appropriations Act directed the Corps to study alternatives to Mentone Dam, a previously proposed upstream storage element of the overall plan for flood control on the Santa Ana River main stem in Orange, Riverside and San Bernardino Counties, California. In September of this year, the Los Angeles District Engineer completed his draft report on possible alternatives to Mentone. This report is still under review by the Corps of Engineers, so its findings, conclusions, and recommendations are subject to revision. However, the Corps' preliminary findings are that there is a viable alternative to Mentone Dam, the Upper Santa Ana River Dam, and that this alternative, in conjunction with other elements of the overall plan, would be economically justified, environmentally acceptable, technically sound, and acceptable to affected local interests.

An upstream flood storage feature, whether it be Mentone Dam, Upper Santa Ana River Dam, or some other comparable structure or structures, is the optimal approach that will permit the plan recommended by the Chief of Engineers to function as intended. The ability to control significant flood flows in the Upper Santa Ana River basin will permit the elements of the plan that are further downstream to function as designed and will allow detailed design and construction to proceed as an integrated system, providing benefits to Orange, Riverside, and San Bernardino Counties.

Even though I must reiterate that the upstream alternatives to Mentone are still being analyzed, I am confident that the best solution will involve an integrated system of improvements, to include features in the upper basin as well as the lower basin.

I trust this information is responsive to your inquiry. If you need further assistance in this matter, please call on me.

Sincerely,

H.J. HATCH,
Major General, U.S. Army,
Director of Civil Works.

In that letter, particularly we wanted the corps to reiterate that the Santa Ana River project was a single project and its integrity, its ability to control the flooding, had to be handled as a total project. I gave a copy of the letter to the gentleman from California [Mr. BROWN]. The last paragraph reads as follows:

The ability to control significant flood flows in the upper Santa Ana River basin will permit the elements of the plan that are further downstream to function as designed and will allow detailed design and construction to proceed as an integrated system providing benefits to Orange, Riverside and San Bernardino Counties.

What that says, in fact, is that the integrity of the engineering to achieve the goals of the program, depends upon doing the whole thing. I think the corps has reconfirmed that.

Again, the question asked by the distinguished gentleman from California [Mr. BROWN], can we assure that this body or the Senate will go ahead and agree to constructing the entire project, in view of what the Senate has done, or whether or not the President will even sign this bill. I have heard people get up here today and say the whole bill is going to be vetoed by the President, which of course is his prerogative.

In order to be further helpful, in thinking this situation out and checking out the engineering, it was reported to me that during the course of engineering to build the alternative dam to Mentone they have to do a certain quantitative excavation and the integrity of the building of the alternate Mentone Dam to the flood protection areas in San Bernardino and Riverside Counties relate to that part of the construction program. As they remove that material, in building that dam, they will also be flood proofing San Bernardino County and Riverside County. This is a fact.

In the amendment to the amendment offered by the gentleman from New Jersey [Mr. HOWARD], we came back and put language in deliberately and we said that the construction of the upper Santa Ana River Dam, and did not speak to Metone, which is the alternate project, shall proceed at the same time as construction of the upstream portions of the project in San Bernardino and Riverside Counties.

We locked those two things together because they are an integral part of the program and the whole program cannot achieve its efficiency unless they are both built at the same time.

Let me just make one more point, and forgive me if I am too loquacious. I did not mean to be. I am trying to be helpful here.

I am the chairman of the subcommittee. We have our dear, distinguished chairman of our full committee here, the gentleman from New Jersey [Mr. HOWARD], who certainly will speak for himself, but as a conferee, I am sure, I will sustain the point of view of both or all gentlemen from California that this project is consid-

ered to be in its entirety a single project.

□ 1405

Now beyond that point, if we can convince the conferees on the other side of the aisle and the chairmen of the committees in the other body, we will fight for that.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has expired.

(By unanimous consent, Mr. ROE was allowed to proceed for 5 additional minutes.

Mr. ROE. Let me close on this point: Mention was made that the other body has a rule that if there is not a report from the corps filed at a certain time that they will not consider the project.

May I respectfully suggest to all of us in this House today that there are a host of projects that do not have final reports that are in this bill, and that is also true of the bill in the other body unequivocably. So I suggest if we could impose upon the distinguished gentleman from California to have confidence, and faith, and trust, that we believe in what he is trying to do, have extended enormous energy to be of help, withdraw this amendment and not stop the project, and let us work together to achieve it.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I thank the gentleman for yielding and would like to associate myself with the remarks that have been made here this afternoon. We will be completing this legislation and going into conference with the other body, and we have said, those of us who will be the conferees, that this will be a top-priority item in the conference.

It has been said that perhaps the other body will not accept any projects unless they are agreed to by the Corps of Engineers, or OMB, or the White House. As the gentleman is well aware, as far as this committee has been concerned, it is not downtown that makes policy in this country, it is the Congress of the United States, the House of Representatives and the Senate. I think the gentleman knows of the record of this committee in going to conference with the other body, that we have been strong, and we have been very successful. We intend that in this bill, and we intend that on this one project.

So we are going every step that we can, except saying that we would in some way dump the whole bill if this is not complete. We just cannot quite say that but I certainly feel in my heart that when we come back with the conference report the gentleman will be well satisfied with what we do.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from California.

Mr. PACKARD. I certainly agree with the subcommittee chairman as to what our intent and our approach ought to be. I think the worst thing that we could do would be to strike this project from this bill. I think we need to sit down and determine how we can best work with the other body and the conference committee to accomplish our common objectives.

I do not think we are that far apart on our objectives. The problem is simply how to devise the language. In our efforts to get that done, I certainly concur with the chairman.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield to me?

Mr. ROE. Of course, I yield to the gentleman from California.

Mr. BROWN of California. Again, let me reiterate that I understand and appreciate the efforts that have been made by all, by the chairman of the subcommittee, the chairman of the full committee, the ranking minority member to protect the integrity of the whole project here.

In their anxiety to reassure me, they have made a number of changes in the bill. Unfortunately, we all understand the fragility of legislative language, and if the chairman will permit me to reference his last amendment, which he mentioned, and I quote the language "construction of the upper Santa Ana River Dam portion of the project shall proceed at the same time as construction of upstream portions of the project in San Bernadino and Riverside County," there is no other upstream portion but this dam.

What I want to see in that bill is language that says that construction of the upstream dam shall proceed at the same time as the downstream portions of the project in Orange County. Then I would be protected, if we can depend upon any legislative language to protect us. And I would urge that the next time the staff drafts an amendment that they look at it a little more closely in order to achieve the purpose that they are really seeking here.

Mr. ROE. If I may reclaim my time, sir, I would respectfully suggest to the distinguished gentleman from California that at midnight last night, we were attempting, with a battery of engineers from the Corps of Engineers and billwriters, to help the gentleman, because we believe in what he is trying to achieve.

Now if in some way this committee erred in its language, then I humbly apologize publicly on the floor to the gentleman. I think what is fair play is fair play. We have given you all of the credibility of this committee to fight for what we believe is right, and for what you are trying to achieve. There is no further assurances we can give you other than our word, and on that basis I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield to me briefly?

Mr. LEWIS of California. I will be happy to yield to my colleague from California.

Mr. BROWN of California. Mr. Chairman, I have a feeling that I have offended the distinguished chairman of the subcommittee, and that was the last thing I intended to do.

What I intended to say to the gentleman, and I hope he will appreciate it, is that I think his word is far more important in this situation than any of the language in this bill. And it is his word that I rely upon, and it is his word that might lead me to withdraw this amendment.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I will be happy to yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I cannot afford the luxury, I found out in my public career, to get angry. Life is too short for that.

I think what we achieve together in life is trying to get something done and that is what is important. I am very honored for what—yes, I will say that I am very honored for what the gentleman said. I would on the basis of what he just said give him that assurance, and would humbly request that he withdraw his amendment, and give us a chance to work this out.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield further?

Mr. STANGELAND. Mr. Chairman, will the gentleman yield to me?

Mr. LEWIS of California. I will be happy to yield to the gentleman from Minnesota.

Mr. STANGELAND. I thank the gentleman for yielding and would be happy to join my chairman in giving the gentleman from California [Mr. BROWN] the same kind of assurances on my part that the gentleman from New Jersey has just given.

Mr. LEWIS of California. Mr. Chairman, if I could take just a moment, I would like to speak to the point that the chairman, and the gentleman from New Jersey [Mr. ROE] and my ranking member have just made. We have had a long history of working on this project, and especially with this committee, and with the gentleman from New Jersey. I cannot recall a circumstance in my own public experience where I have seen more bipartisan cooperation to accomplish this project. Indeed, from the day I came to the

House and had the honor and privilege of serving on the Committee on Public Works and Transportation, the Santa Ana River project was before us, and the chairman of the committee, the ranking members involved on both sides of the aisle recognized the critical circumstances that we face in southern California and wanted to cooperate fully with us in moving toward a reasonable solution to that difficulty.

In the initial stages of my own involvement there was general agreement that the all-river plan, including the Mentone Dam, should be a part of the project. At that point in time, the committee was taking us at our word and expressed a willingness to go along with that huge project.

It was only after local leaders in the San Bernadino and Riverside County wanted to look again that the committee responded once again by expressing their will to support an appropriation in 1983 that directed the Corps of Engineers to look for possible alternatives, to the controversial Mentone Dam.

The corps, responding to our direction, did so, and that led to the alternative proposal that is really before us today. This comprehensive solution addresses the downstream problems as well as the upstream element in the Santa Ana canyon. This alternative caused us to spend $2 million in 1983 and 1984, but will save us $228 million.

I think it is critical to realize that my colleague from San Diego, the gentleman from California [Mr. PACKARD], is exactly correct when he pointed out that we are in a very delicate situation at this moment. Presently the Senate water resources bill does only authorize the downstream projects or a portion of the projects. Indeed, if we should strike the Santa Ana from this bill, as is suggested originally by this amendment, we would find ourselves in a circumstance where when we went to conference with the other body, we would have an item to negotiate.

It is critically important that we keep this project in our bill so that at least we can undo the language from the other body.

I must say that the other body has been more than responsive as well. While they have indicated that they do have a rule which does not finally authorize projects, at least in terms of committee action, until a final report has been signed by the Corps of Engineers, they have indicated very clearly that if an amendment should be presented on the floor by the Senators from California that would amend their language to include the upper reaches authorization, that they would tend to look positively upon that amendment.

Nevertheless, if we do not delete the Santa Ana now at least we will have a foundation for discussion in the conference committee.

Mr. Chairman, it is very important for us to realize that dealing with the corps in the first place is at best difficult. Their process is an extended one. It takes a number of years.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, we have been involved in attempting to come to a legislative solution of the Santa Ana difficulty for all of the time that I have been in the Congress and longer. Indeed, I do not have a crystal ball, but it is very clear that at some time in the future, we are going to have that 150- or that 200-year flood.

We are talking about a floodplain in which there are thousands of lives potentially at risk, maybe as much as $18 billion of property. My crystal ball does not tell me whether we will have the 200-year flood next year or 5 years from now, but not to go forward, to even consider risking the deauthorization to me would only open the possibility of indeed standing in the way of that flood as it rushed to Orange County. I do not think my colleague from California [Mr. BROWN] wishes to do that.

It is very apparent that the committee is being more than cooperative at this moment, as they have been in the past. I really rise today to express my grave concern about the gentleman's proposed amendment which would strike this project, and I urge my colleague to withdraw his amendment.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(On request of Mr. BROWN of California, and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I will be happy to yield to the gentleman.

Mr. BROWN of California. I appreciate the gentleman's fine statement. I think we are reaching a common understanding of the situation here.

The gentleman knows that if that 200-year flood comes, it is his district that is going to get washed out first. Would the gentleman confirm that?

Mr. LEWIS of California. I beg your pardon?

Mr. BROWN of California. I say that if that 200-year flood comes, it is your district that is going to be washed out first because you are right at the foot of the mountain.

Mr. LEWIS of California. Frankly, my crystal ball is not even that clear. But I do know that if we do have the 200-year flood, we all have a case for somebody who has a higher authority than you or I.

Mr. BROWN of California. May I ask the gentleman one more question?

Mr. LEWIS of California. Surely.

Mr. BROWN of California. If I should withdraw my amendment and the bill passes, and is signed into law and if it authorizes only a portion of the project, omitting the upper Santa Ana River Dam, that still does not guarantee that the project will be built unless the Appropriations Committee appropriates the money for it.

Would the gentleman indicate his attitude to me about appropriating money for a project that did not include any flood control protection for his district?

Mr. LEWIS of California. I will be happy to try to respond to the gentleman.

In the appropriations bill that involved the energy conference report from last year, with the cooperation of the chairman of the subcommittee, the authorizing committee as well as the cooperation of the gentleman from California [Mr. FAZIO] and the others, there was language inserted that specifically attempted to go as far as one could conceivably go to assure the kind of development of this project that would see that all parts of it went forward together. That is my view and attitude. It is the view expressed by the Appropriations Committee and, indeed, I believe it is the view of the committee. That will continue to be my position on this issue.

Mr. BROWN of California. I appreciate the gentleman's comment.

Mr. McCANDLESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the the dialog of my colleagues from California, those who assist me in representing that regional area, a critical area as far as flood control is concerned. At this time, I draw on some 12 years of knowledge in another body serving as the flood control management for the area, and the length of time that it has taken us to get to this point, a point where we have an agreement of three counties on one subject, which in itself is a small miracle, but within those counties, we not only have incorporated cities that finally have agreed, which is a large miracle, but we have all of the various areas, regional and otherwise, communities that are not necessarily a part agreeing after we have provided the alternate to the Mentone Dam.

□ 1420

Thirty days have transpired in the answers session of the system; 15 more are required. It is my understanding that the preliminary report will be approved sometime in December, around the 15th; possibly earlier if we make

that take place, and that is something that people have been working for something like 50 years off and on, but in reality the last 12 years will have come to a culmination.

I would ask my colleague from California [Mr. BROWN] to assist me in representing these areas of critical importance. To take a second look at this with the idea in mind that the blocks are finally in place to complete the project in its entirety: The communities, the jurisdictions, the Corps of Engineers and the expressed favoritism by those two Members of the other body who represent the area as well as the mechanics of the conference committee that we can move forward on this project and provide the much-needed help and essential emergency value that this flood control system provides.

I ask my colleague to certainly reconsider, if he would, his amendment for the purposes that I have referred to.

Mr. BADHAM. Will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman.

Mr. BADHAM. I thank the gentleman for yielding.

Mr. Chairman, from time to time as one of the concerned Members of this body on this subject of the Santa Ana River Basin, there were times when I felt constrained to oppose this project because of its huge magnitude, and I will have to say that as the project went on, and I, working with others got the project to a more manageable and realistic point, that at that time I became in support of the project, which was scaled down in cost and would do practically all the needed things to be done to solve the flood control problems in that area.

I remain now in support of that project, and I thank the committee for getting it this far. So I, too, would join my distinguished colleague and good friends from California, in that area of southern California, in asking the gentleman who has offered this amendment to very seriously consider not going ahead with that amendment, because it would put the project back to zero, and I think the time is now to go ahead.

Mr. McCANDLESS. I would conclude, Mr. Chairman, simply by saying that there are tributary projects that are a part of this master project that play a very important part in the drainage of the area in question.

Without the master plan, or the backbone system, the other tributaries are put on the back burner, on an indefinite basis, and contrary to some language that we saw here earlier in this body, those tributaries and those projects are being shared by a number of jurisdictions as far as the financial responsibility is concerned, and only waiting for the approval of the master plan of the Santa Ana River project.

So this is a double digit type of situation, where one level is waiting on the other level to contribute to the overall protection of the people in the area.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief. I simply would like to say that I think the gentleman from Riverside County, Mr. BROWN, deserves a great deal of credit for the role that he has played on behalf of the upstream constituencies of this project. There is no question that the work that he did with the cooperation of Mr. McCANDLESS and Mr. LEWIS was instrumental in sensitizing the Appropriations Committee, as it funded the remaining elements of the study, which will lead eventually to the administration's support for a modified Santa Ana River project authorization.

The role he played was crucial, and I think today in bringing this very contentious issue to the attention of his colleagues here on the floor, and certainly in gaining the kind of concessions that I believe he has legitimately derived from the gentlemen from New Jersey [Mr. HOWARD and Mr. ROE], he continues to serve his constituency to the utmost.

This is a very expensive project: $1.2 billion in fact. It is a very important one at the same time. A standard flood in Orange County, in the downstream area, could very easily destroy $11 billion worth of property. I think it is very clear that the cost/benefit ratio argues for the construction of this project.

Mr. Chairman, I think the players have all had their say. I think it is important, however, to note that there is a statewide and perhaps even national interest in this. It is clear that every drop of water that we can conserve in southern California means less that we have to import from northern California or somewhere else in the Colorado River Basin, and I think it is particularly important that the issue of water conservation was addressed in the appropriations language this year, funding the study, and it will I am sure be included in the authorization when it is finally worked out.

So I would like to conclude by saying that I concur with the general consensus that is emerging that we have to go forward, but with more sensitivity for the protection of the upstream watershed and the need to conserve our scarce water resources.

At this point, I yield to my friend from California, Mr. BROWN.

Mr. BROWN of California. I thank my friend for yielding. I am grateful for his kind words.

I am somewhat apologetic at taking the time of the House to go into this project in such detail, but as the gentleman in the well has said, this is the largest single project in the bill; it is $1.2 billion. That one little dam in that one little circle up there on the map is a half a billion dollars. It is not chicken feed we are talking about.

The implications in terms of policy are very widespread. So I think that the time has been well spent, in getting a better understanding of the project, and from my standpoint, getting a feeling that the key people on the Committee on Public Works are committed to this project as a whole; not to some bifurcated project.

I am also somewhat reassured to know of the support that this position has in the Committee on Appropriations, where the gentleman in the well serves, and where my good friend from San Bernardino County also serves. I think if anything should go wrong and we are unable to resist the blandishments of the other body in conference, we might still have a secondary line of defense in the appropriations committee.

So with these understandings, Mr. Chairman, I ask unanimous consent to withdraw my amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. PACKARD. Mr. Chairman, reserving the right to object, I simply want to take a moment to thank the gentleman from California [Mr. BROWN] for withdrawing the amendment and again commit myself to work with him in trying to accomplish the objectives that we have talked about.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to title III of the bill?

If not, the clerk will designate title VI.

The text of title IV is as follows:

TITLE IV—SHORELINE PROTECTION

SEC. 401. (a) The following works of improvement for the benefit of shoreline protection are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines are advisable in any case in which there is no report designated.

ROCKAWAY INLET TO NORTON POINT, NEW YORK

The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point: Report of the Chief of Engineers, dated August 18, 1976, House Document Numbered 96-23, includ-

ing beach fill up to 250 feet beyond the historical shoreline as described in the report of the District Engineer, New York District, dated August 1973, at an estimated cost of $9,400,000. The non-Federal share of the cost of construction and nourishment of the additional beach fill shall be 50 per centum.

CAPE MAY INLET TO LOWER TOWNSHIP, NEW JERSEY

The project for shoreline protection, Cape May Inlet to Lower Township, New Jersey: Report of the Chief of Engineers, dated December 23, 1981, including construction of beach erosion mitigation measures from Cape May Inlet to Lehigh Avenue in Cape May Point Borough substantially in accordance with Plan A of the Phase I General Design Memorandum, titled "Cape May Inlet to Lower Township, New Jersey", dated August 1980, at an estimated cost of $40,000,000.

ATLANTIC COAST OF MARYLAND (OCEAN CITY)

The project for shoreline protection, Atlantic Coast of Maryland (Ocean City) and Assateague Island, Virginia: Report of the Chief of Engineers, dated September 29, 1981, at an estimated cost of $22,718,000.

WILLOUGHBY SPIT, VIRGINIA

The project for shoreline protection, Willoughby Spit and Vicinity, Norfolk, Virginia: Report of the Chief of Engineers, dated April 17, 1984, at an estimated cost of $2,583,000.

VIRGINIA BEACH, VIRGINIA

The project for beach erosion control and hurricane protection, Virginia Beach, Virginia: Report of the Chief of Engineers, dated May 22, 1985, at an estimated cost of $27,344,000.

WRIGHTSVILLE BEACH, NORTH CAROLINA

The project for shore and hurricane wave protection, Wrightsville Beach, North Carolina: Report of the Chief of Engineers, dated December 19, 1983, at an estimated annual cost of $260,000.

FOLLY BEACH, SOUTH CAROLINA

The project for shoreline protection, Folly Beach, South Carolina: Report of the Chief of Engineers, dated March 17, 1981, at an estimated cost of $1,174,000.

PANAMA CITY BEACHES, FLORIDA

The project for shoreline protection, Panama City Beaches, Florida: Report of the Chief of Engineers, dated July 8, 1977, House Document Numbered 96-65, at an estimated cost of $28,100,000.

ST. JOHNS COUNTY, FLORIDA

The project for shoreline protection, St. Johns County, Florida: Report of the Chief of Engineers, dated February 26, 1980, at an estimated cost of $8,140,000. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

CHARLOTTE COUNTY, FLORIDA

The project for shoreline protection, Charlotte County, Florida: Report of the Chief of Engineers, dated April 2, 1982, at an estimated cost of $1,470,000. To the maximum extent feasible, the Secretary shall construct such project so as to minimize the harm to marine borrow areas and reefs.

INDIAN RIVER COUNTY, FLORIDA

The project for shoreline protection, Indian River County, Florida: Report of the Chief of Engineers, dated December 21, 1981, House Document Numbered 98-154, at an estimated cost of $2,550,000, except that the non-Federal share of the cost of the Sebastian Inlet State Park segment shall be 30 percent. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

DADE COUNTY, FLORIDA

The project for shoreline protection, Dade County, north of Haulover Beach Park, Florida: Report of the Chief of Engineers, dated December 27, 1983, at an estimated cost of $7,490,000. To the maximum extent feasible, the Secretary shall construct the project so as to minimize adverse effects on coral reefs.

MONROE COUNTY, FLORIDA

The project for shoreline protection, Monroe County, Florida: Report of the Chief of Engineers, dated April 22, 1984, at an estimated cost of $1,561,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project (other than the portion of the project consisting of Smathers Beach) may have on the seagrass community in the project area. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to minimize the adverse effects of such construction, operation, and maintenance on such seagrass community. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project (other than the portion of the project consisting of Smathers Beach) unless such acquisition and actual construction have been approved by resolution adopted by each such committee. The portion of the project consisting of Smathers Beach shall include any measures which the Secretary determines, in consultation with the United States Fish and Wildlife Service, the Environmental Protection Agency, and the National Marine Fisheries Service, are appropriate to minimize adverse effects from carrying out such portion on the seagrass community.

PRESQUE ISLE PENINSULA, ERIE, PENNSYLVANIA

The project for shoreline protection, Presque Isle Peninsula, Erie, Pennsylvania: Report of the Chief of Engineers, dated October 2, 1981, at an estimated cost of $18,200,000.

CASINO BEACH, CHICAGO, ILLINOIS

The project for shoreline protection, Interim II, Casino Beach, Chicago, Illinois: Report of the Chief of Engineers, dated September 26, 1984, at an estimated cost of $3,320,000.

ILLINOIS BEACH STATE PARK, ILLINOIS

The project for shoreline protection, Illinois Beach State Park, Illinois described as alternative 3A in Interim Report 1, Illinois-Wisconsin Stateline to Waukegan of the District Engineer, Chicago District, dated June 1982, at an estimated cost of $11,900,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

INDIANA SHORELINE, INDIANA

The project for shoreline protection, Indiana Shoreline Erosion, Indiana: Report of the Chief of Engineers, dated November 18, 1983, at an estimated cost of $7,920,000.

MAUMEE BAY, LAKE ERIE, OHIO

The project for shoreline protection for the southeast shore of Maumee Bay State Park, Ohio: Report of the Chief of Engineers, dated July 9, 1984, at an estimated cost of $8,485,000. The requirements of section 221 of the Flood Control Act of 1970 (Public Law 91-611) shall not apply to any agreements between the Federal Government and the State of Ohio for local cooperation as a condition for the construction of such project. The Secretary is authorized to contract with the State of Ohio on the items of local cooperation for such project, which are to be assumed by the State, notwithstanding that the State may elect to make its performance of any obligation contingent upon the State legislature making the necessary appropriations and funds being allocated for the same or subject to the availability of funds on the part of the State.

(b) In the case of any project authorized by subsection (a) of this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, as soon as possible after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(c) The Secretary is authorized and directed to design and construct an erosion control structure approximately 8,200 feet in length on the western shore of Tangier Island, Virginia, adequate to protect such island from further erosion, at an estimated cost of $3,500,000. Such project shall be carried out on an emergency basis, in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in public facilities.

(d) The Secretary is authorized to carry out the project for shore protection at Coconut Point, Tutuila Island, American Samoa, including a 3,600-foot long rock revetment to protect communal lands and public facilities, at an estimated cost of $1,500,000.

(e) If any provision in any report designated by subsection (a) recommends that a State contribute in cash 5 percent of the construction costs allocated to non-vendible project purposes and 10 percent of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 402. (a) The Secretary shall undertake demonstration projects for shoreline erosion control at the following communities in New Jersey: Fort Elsinboro, Sea

Breeze, Gandys Beach, Reeds Beach, Pierces Point, and Fortescue.

(b) Such demonstration projects shall be carried out in cooperation with Federal, State, and local agencies, and private organizations.

(c) Such demonstration projects may be carried out on private or public lands except that privately owned lands shall not be acquired under authority of this section. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with non-Federal interests who shall pay 25 percent of construction costs at each site and assume operation and maintenance costs upon completion of the project.

(d) The Secretary shall prepare and submit to Congress a report on each site during the fiscal year following completion of construction at that site. Such report shall include an analysis of the technique or techniques used and an evaluation of their functioning to that point.

(e) There is authorized to be appropriated not to exceed $12,500,000 to carry out this section for fiscal years beginning after September 30, 1985.

The CHAIRMAN. Are there amendments to title IV of the bill?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—WATER RESOURCES CONSERVATION AND DEVELOPMENT

SEC. 501. (a) The following works of improvement for water resources development and conservation and for other purposes are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

NEPONSET RIVER, MILTON TOWN LANDING TO PORT NORFOLK, MASSACHUSETTS

The project for dredging, Neponset River, Milton Town Landing to Port Norfolk, Massachusetts, including the disposal of the dredged material at sea, at an estimated cost of $1,500,000.

MERRIMACK RIVER, MASSACHUSETTS

The project for navigation, Merrimack River, Massachusetts, consisting of (1) improvements along the Merrimack River from Lowell, Massachusetts, to Lawrence, Massachusetts (including a concrete weir running eastward from the confluence of the Concord River and the Merrimack River parallel to the southern bank of the Merrimack River), (2) a lock at the end of the channel created by the weir, and (3) such other measures as the Secretary deems necessary in the interest of navigation, at an estimated cost of $8,000,000, including any modifications that may be recommended by the Secretary with respect to such project under subsection (b) of this section.

BIG RIVER RESERVOIR, RHODE ISLAND

The project for flood control, Big River Reservoir, Rhode Island: Report of the Chief of Engineers, dated March 9, 1983, at an estimated cost of $39,900,000, including the acquisition of such additional lands as the Secretary recommends in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall reevaluate the acquisition of mitigation lands recommended in the report of the Chief of Engineers for purposes of determining the need for additional lands for mitigation of fish and wildlife losses. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such reevaluation, including a description of any additional lands determined by the Secretary to be necessary and appropriate for mitigation of fish and wildlife losses. No appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

OLCOTT HARBOR, NEW YORK

The project for navigation, Olcott Harbor, New York: Report of the Chief of Engineers, dated June 11, 1980, at an estimated cost of $6,230,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall conduct additional studies of the effects of the project on fish and wildlife resources. Such studies shall include the development and testing of a physical model of the proposed plan. The Secretary is authorized to undertake any additional measures which he determines necessary and appropriate to minimize any adverse effects of the project on fish and wildlife production and habitat.

HAMPTON ROADS DEBRIS REMOVAL, VIRGINIA

The project for the removal of debris from Hampton Roads and Vicinity, Virginia: Report of the Chief of Engineers, dated October 19, 1983, at an estimated cost of $2,280,000.

RUDEE INLET, VIRGINIA

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia: Report of the Division Engineer, dated February 4, 1983, at an estimated cost of $1,040,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

ATLANTIC INTRACOASTAL WATERWAY BRIDGES, NORTH CAROLINA

The project for replacement of Atlantic Intracoastal Waterway Bridges, North Carolina: Report of the Chief of Engineers, dated October 1, 1975, House Document Numbered 94-597, at an estimated cost of $8,800,000, which shall be in addition to, and not in lieu of, any amounts authorized to be appropriated for such project under section 101 of the River and Harbor Act of 1970.

RICHARD B. RUSSELL DAM AND LAKE, GEORGIA AND SOUTH CAROLINA

The project for mitigation of fish and wildlife losses at Richard B. Russell Dam and Lake Project, Savannah River, Georgia and South Carolina: Report of the Chief of Engineers, dated May 11, 1982, House Document Numbered 97-244, at an estimated cost of $20,200,000, including utilization for purposes of fish and wildlife habitat mitigation of such Federal lands as may be described by the Secretary in the report transmitted under this paragraph. The Secretary and the State of South Carolina, in consultation with the United States Fish and Wildlife Service, shall identify those Federal lands at Clarks Hill Lake to be utilized for purposes of fish and wildlife habitat mitigation. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the lands so identified. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

METROPOLITAN ATLANTA AREA, GEORGIA

The project for water supply, Metropolitan Atlanta Area, Georgia: Reports of the Chief of Engineers, dated June 1, 1982, and September 7, 1983, at an estimated cost of $26,400,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall further evaluate the possible effects of the proposed project on fish and wildlife habitat and related resources. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluation, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat and related resources. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

JACKSONVILLE HARBOR (MILL COVE), FLORIDA

The project for navigation, Jacksonville Harbor (Mill Cove), Florida: Report of the Chief of Engineers, dated February 12, 1982, House Document Numbered 98-233, at an estimated cost of $6,600,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with the State of Florida, shall study the adequacy of available dredged material disposal areas for construction, operation, and maintenance of the project and the potential of such disposal areas for recreational development. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to assure that adequate dredged material disposal areas are available for construction, operation, and maintenance of the project and recommendations for a recreational master plan. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be

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made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee. After completion of the project, the Secretary shall monitor and evaluate the effectiveness of the project in reducing shoaling.

PORT CANAVERAL HARBOR, FLORIDA

The project for mitigation of fish and wildlife losses at the Port Canaveral West Turning Basin Project, Florida, in accordance with a plan transmitted under this paragraph. The Secretary, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Administrator of the Environmental Protection Agency, and appropriate agencies of the State of Florida and political subdivisions thereof shall develop, and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a plan for mitigation of fish and wildlife losses resulting from the Port Canaveral West Turning Basin Project. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project unless such plans have been approved by resolution adopted by each such committee.

YAZOO BACKWATER AREA, MISSISSIPPI

The project for mitigation of fish and wildlife losses at the Yazoo Backwater Project, Mississippi: Report of the Chief of Engineers, dated July 12, 1984, at an estimated cost of $17,700,000. The project shall include acquisition of 40,000 acres for mitigation of project-induced fish and wildlife losses as recommended in the report of the District Engineer, Vicksburg District, dated July 1982. A portion of such 40,000 acres which the Secretary, in consultation with the United States Fish and Wildlife Service and the Governors of the States of Mississippi and Arkansas, may determine may be acquired from willing sellers in the State of Arkansas.

GREENVILLE HARBOR, MISSISSIPPI

The project for navigation, Greenville Harbor, Mississippi: Report of the Chief of Engineers, dated November 15, 1977, as amended by the supplemental report of the Chief of Engineers dated February 22, 1982, at an estimated cost of $30,300,000, except that initial construction of the project shall be to the full project dimensions, including a channel width of 500 feet and a depth of 12 feet.

VICKSBURG HARBOR, MISSISSIPPI

The project for navigation, Vicksburg Harbor, Mississippi: Report of the Chief of Engineers, dated August 13, 1979, at an estimated cost of $60,700,000, except that initial construction of the project shall be to the full project dimensions.

MEMPHIS HARBOR, MEMPHIS, TENNESSEE

The project for navigation, Memphis Harbor, Memphis, Tennessee: Report of the Chief of Engineers, dated February 25, 1981, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of $40,500,000, except that initial construction of the project shall be to the full project dimensions and the project shall include acquisition of such additional lands, but not to exceed 500 acres, for mitigation of losses of bottomland hardwood habitat as may be recommended by the Secretary in such report. The Secretary shall reevaluate, in consultation with the Fish and Wildlife Service, the need for mitigation of project-induced losses of bottomland hardwood habitat. The Secretary, in consultation with the Environmental Protection Agency, shall conduct further studies of the quality of the water in the project area and the need for measures to prevent adverse effects on the quality of the water. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reevaluation and study, along with recommendations for additional lands which the Secretary determines to be necessary and appropriate to mitigate project-induced losses of bottomland hardwood habitat and for additional measures which the Secretary determines necessary and appropriate to prevent adverse effects on water quality. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

LAKE PONTCHARTRAIN NORTH SHORE, LOUISIANA

The project for navigation, Lake Pontchartrain North Shore, Louisiana: Report of the Chief of Engineers, dated February 14, 1979, at an estimated cost of $1,260,000.

ATCHAFALAYA BASIN, LOUISIANA

The project for flood control, Atchafalaya Basin Floodway System, Louisiana: Report of the Chief of Engineers, dated February 28, 1983, at an estimated cost of $200,000,000.

RED RIVER WATERWAY, LOUISIANA

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana: Report of the Chief of Engineers, dated December 28, 1984, at an estimated cost of $10,500,000.

CABIN CREEK, WEST VIRGINIA

The project for flood damage prevention features, Cabin Creek, West Virginia: Report of the Chief of Engineers, dated March 1, 1979, at an estimated cost of $5,100,000, including channel improvement for 10.5 miles on Cabin Creek, establishment of flood plain management guidelines, and supplemental flood proofing. The construction of such features shall be coordinated with any construction by other Federal agencies of other features described in such report under applicable Federal laws.

OBION CREEK, KENTUCKY

The project for mitigation of fish and wildlife losses, West Kentucky Tributaries Project, Obion Creek, Kentucky: Report of the Chief of Engineers, dated September 16, 1980, at an estimated cost of $4,000,000, except that (1) the Secretary, in consultation with the United States Fish and Wildlife Service, shall acquire and preserve not less than 6,000 nor more than 9,000 acres of woodland for mitigation of project-induced woodland and wetland habitat losses, and (2) the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 1104 of this Act.

MUDDY BOGGY CREEK, PARKER LAKE, OKLAHOMA

The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma: Report of the Chief of Engineers, dated May 30, 1980, at an estimated cost of $43,000,000.

FORT GIBSON LAKE, OKLAHOMA

The project for Fort Gibson Lake, Oklahoma: Report of the Chief of Engineers, dated August 16, 1984, at an estimated cost of $24,100,000.

HARRY S TRUMAN DAM AND RESERVOIR, MISSOURI

The project for modification of the Harry S Truman Dam and Reservoir Project, Missouri: Report of the Chief of Engineers, dated December 21, 1981, at an estimated cost of $2,100,000. The Secretary, in consultation with the State of Missouri and the United States Fish and Wildlife Service, shall acquire lands, or designate project joint-use lands, for mitigation of fish and wildlife losses in addition to those lands recommended for such purposes by such report; except that the total acreage of all mitigation lands shall not exceed 1,000 acres.

TRIMBLE WILDLIFE AREA, SMITHVILLE LAKE, LITTLE PLATTE RIVER, MISSOURI

The project for replacement of the Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri: Report of the Chief of Engineers, dated September 22, 1977, House Document Numbered 95-389, at an estimated cost of $7,870,000.

ST. LOUIS HARBOR, MISSOURI AND ILLINOIS

The project for navigation, St. Louis Harbor, Missouri and Illinois: Report of the Chief of Engineers, dated April 30, 1984, at an estimated cost of $11,300,000, except that initial construction of the project shall be to the full project dimensions.

MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA

The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska: Report of the Chief of Engineers, dated April 24, 1984, at an estimated cost of $50,500,000. The Secretary shall study the need for additional measures for mitigation of losses of aquatic and terrestrial habitat caused by such project and shall report to Congress, within three years after the date of enactment of this Act, on the results of such study and any recommendations for additional measures needed for mitigation of such losses.

DAVENPORT, IOWA (NAHANT MARSH)

The Davenport, Iowa Local Protection Project—Fish and Wildlife Mitigation Plan: Report of the Chief of Engineers, dated July 9, 1979, House Document Numbered 97-218, at an estimated cost of $414,000.

HELENA HARBOR, PHILLIPS COUNTY, ARKANSAS

The project for navigation, Helena Harbor, Phillips County, Arkansas: Report of the Chief of Engineers, dated October 17, 1980, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of $37,800,000, except that initial construction of the project shall be to the full project dimensions and the project shall include acquisition of such additional lands as may be recommended by the Secretary in such report. The Secretary, in consultation with the Fish and Wildlife Service,

shall evaluate the adequacy of the recommended measures for mitigation of losses of wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluation, along with recommendations for additional lands which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

WHITE RIVER NAVIGATION TO BATESVILLE, ARKANSAS

The project for navigation, White River Navigation to Batesville, Arkansas: Report of the Chief of Engineers, dated December 23, 1981, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of $23,400,000, except that the project shall include 1,865 acres of habitat mitigation lands. The Federal share of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line (1) the relocation of which is necessary for construction, operation, and maintenance of the project, and (2) which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be 50 percent. The non-Federal share of such cost shall be paid by the owner of the facility being relocated. The acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, shall be at full Federal expense. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the effect of the project on the Fat Pocketbook Pearly Mussel. The Secretary shall also evaluate, in consultation with the Fish and Wildlife Service, the feasibility of including weirs in tributary areas to benefit aquatic habitat and is authorized to include them as he determines appropriate. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluations, along with recommendations (A) for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on the Fat Pocketbook Pearly Mussel, and (B) for weirs in tributar' areas which the Secretary determines to be necessary and appropriate to benefit aquatic habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee. Nothing in this paragraph shall be construed to effect the requirements of Public Law 89-669, as amended.

TRINITY RIVER, TEXAS

The project for the mitigation of fish and wildlife losses, Trinity River, Texas: Report of the Board of Engineers for Rivers and Harbors, dated October 4, 1982, at an estimated cost of $9,460,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional mitigation measures.

COOPER LAKE AND CHANNELS, TEXAS

The project for the mitigation of fish and wildlife resource losses, Cooper Lake and Channels, Texas: Report of the Chief of Engineers, dated May 21, 1982, at an estimated cost of $14,700,000, except that the non-Federal share of any portion of the costs of mitigation of fish and wildlife losses attributable to water supply features of the project shall be repaid in accordance with the Water Supply Act of 1958 and the non-Federal share of any portion of the costs of mitigation of fish and wildlife losses attributable to recreation features of the project shall be repaid in accordance with the Federal Water Project Recreation Act.

SACRAMENTO RIVER BANK PROTECTION, CALIFORNIA

The project for mitigation of fish and wildlife losses, Sacramento River Bank Protection Project, California: Reports of the Chief of Engineers, dated September 1, 1981, at an estimated cost of $1,700,000.

SWEETWATER RIVER, CALIFORNIA

The project for mitigation of fish and wildlife losses, Sweetwater River channel improvement project, California: Report of the Division Engineer, dated July 15, 1982, at an estimated cost of $3,477,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional mitigation measures.

LAVA FLOW CONTROL, HAWAII

The project for lava flow control, Island of Hawaii: Report of the Chief of Engineers, dated July 21, 1981, at an estimated cost of $5,030,000.

WAILUA FALLS, WAILUA RIVER, KAUAI, HAWAII

The project for hydroelectric power generation at Wailua Falls, Wailua River, Kauai, Hawaii: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost of $13,400,000.

CITY WATERWAY, TACOMA, WASHINGTON

The project for the relocation of the boundaries of the City Waterway, Tacoma Harbor, Washington: Report of the Chief of Engineers, dated May 5, 1983, House Document Numbered 98-244, at an estimated cost of $5,000.

MCNARY LOCK AND DAM, WASHINGTON AND OREGON

The project for McNary Lock and Dam, Second Powerhouse, Columbia River, Washington and Oregon, Phase I, General Design Memorandum: Report of the Chief of Engineers, dated June 24, 1981, at an estimated cost of $649,000,000.

BETHEL BANK STABILIZATION, ALASKA

The project for bank stabilization, Bethel, Alaska: Report of the Chief of the Engineers, dated July 30, 1983, at an estimated cost of $15,100,000, including such modifications as may be necessary to accommodate related work undertaken and carried out by non-Federal interests.

KODIAK HARBOR, ALASKA

The project for navigation, Kodiak Harbor, Alaska: Report of the Chief of Engineers, dated September 7, 1976, Senate Document Numbered 96-6, at an estimated cost of $14,500,000.

ST. PAUL ISLAND, ALASKA

The project for navigation, St. Paul Island Harbor, Alaska: Report of the Chief of Engineers, dated August 9, 1983, at an estimated cost of $11,800,000. The cost sharing for the project shall be determined in accordance with section 105 of this Act.

(b) In the case of any project authorized by this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, as soon as possible after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(c) If any provision in any report designated by this title recommends that a State contribute in cash 5 percent of the construction costs allocated to non-vendible project purposes and 10 percent of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 502. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from Albert Lea Lake, Freeborn County, Minnesota, at full Federal expense and at an estimated cost of $4,270,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 503. (a) The Secretary shall, after consultation with the advisory committee established under subsection (b), carry out a demonstration project for the development, operation, and maintenance of a recreation and greenbelt area on, and along the Des Moines River, Iowa, between the point at which the Des Moines River is intersected by United States Highway 20 to the point downstream at which relocated United States Highway 92 intersects the Des Moines River. Subject to subsections (b) and (c) of this section, such project shall include, but not be limited to—

(1) the construction, operation, and maintenance of recreational facilities and streambank stabilization structures;

(2) the operation and maintenance of all structures constructed before the date of enactment of this Act (other than any such structure operated and maintained by any person under a permit or agreement with the Secretary) within the area described in the Des Moines Recreational River and

Greenbelt Map and on file with the Committee on Public Works and Transportation of the House of Representatives;

(3) such tree plantings, trails, vegetation, and wildlife protection and development and other activities as will enhance the natural environment for recreational purposes; and

(4) the prohibition or limitation by the Secretary of the killing, wounding, or capturing at any time of any wild bird or animal in such areas as may be designated by the Secretary.

(b)(1) The advisory committee referred to in subsection (a) shall be constituted as follows:

(A) five persons shall be appointed by the Governor of Iowa;

(B) two persons shall be appointed by their respective board of supervisors to represent each of Mahaska, Marion, Warren, Jasper, Polk, Dallas, Boone, and Webster Counties;

(C) one person shall be appointed by the mayor of the city of Des Moines and one additional person shall be appointed by the mayor of each other incorporated municipality within whose boundaries a portion of such recreation area lies; and

(D) three employees or officials of the Corps of Engineers shall be appointed by the Secretary.

(2) Each member of the advisory committee shall serve at the pleasures of the authority which appointed such member.

(3) No member of the advisory committee who is not an officer or employee of the United States shall receive compensation on account of his service on the committee or travel expenses or per diem in lieu of subsistence with respect to the performance of services for the committee. Members of such advisory committee who are officers or employees of the United States shall not receive additional compensation on account of their service on the committee.

(4) The advisory committee may elect such officers and spokesmen as it deems appropriate and may appoint such ad hoc committees of interested citizens as it deems appropriate to assist the committee in advising the Secretary.

(c) The construction and maintenance of structures and plant and husbandry activities referred to in subsection (a) of this section shall be conditioned upon the ownership by the United States of the land or interests therein necessary for such purposes.

(d) In carrying out the project described in subsection (a) of this section, the Secretary may acquire by purchase, donation, exchange, or otherwise land and interests therein, as the Secretary determines are necessary to carry out such project. If the Secretary purchases any land or interest therein from any State or local agency, he shall not pay more than the original cost paid by such State or local agency for such land or interest therein. No land or interest therein may be acquired by the United States to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any land or any interest therein which is not owned by the United States.

(e) Notwithstanding any other provision of law, the Federal share of the project to be carried out pursuant to this section shall be 100 percent of the cost of the project.

(f) The Secretary may enforce paragraph (4) of subsection (a) and such regulations as the Secretary may issue to carry out such paragraph. The Secretary may delegate such enforcement authority to such Federal, State, and local agencies as the Secretary deems appropriate to accomplish the purposes of this section.

(g) There is authorized to be appropriated to carry out this section $8,000,000, for fiscal years beginning after September 30, 1985.

SEC. 504. The Secretary is authorized to carry out the project for beach erosion control, navigation, and storm protection from Hereford Inlet to the Delaware Bay entrance to the Cape May Canal, New Jersey, substantially in accordance with the report of the Chief of Engineers, dated September 30, 1975, at an estimated cost of $40,000,000. The Secretary may construct the beach erosion control, navigation, or storm protection features of the project separately or in combination with the other such features. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 505. The Secretary is authorized to carry out the project for beach erosion control, navigation, and storm protection from Barnegat Inlet to Longport, New Jersey, substantially in accordance with the report of the Chief of Engineers dated October 24, 1975, except that such project shall also include construction of a fisherman walkway on top of a jetty as described in the report of the Chief of Engineers dated January 20, 1983, at an estimated total cost of $61,300,000. The Secretary may construct the beach erosion control, navigation, or storm protection feature of the project separately or in combination with the other such features. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 506. The Secretary shall carry out a demonstration project for the removal of silt, aquatic growth, and other material in Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, and to construct silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River, at full Federal expense and at an estimated cost of $5,200,000.

SEC. 507. (a) The Secretary is authorized and directed to establish and conduct for a period of five years at multiple sites on the Ohio River and its tributaries a streambank erosion prevention and control demonstration program. The program shall—

(1) identify streambank erosion measures likely to provide the highest degree of protection technically and economically feasible for both high and low flow conditions;

(2) conduct necessary research on the interaction of erodible boundaries with flowing water in order to more accurately predict the behavior and optimum design of protective works;

(3) define and test optimum designs of bed slopes and grade control structures for a wide range of soil and flow conditions;

(4) develop, field test, and evaluate new erosion protection products or methods, including but not limited to earth or rock-filled grids, reinforced earth bulkheads, stabilized mattings for vegetation seeding, and patterned schemes using manufactured blocks in loose, matted, or interconnected configurations;

(5) develop and evaluate engineering techniques to control overbank drainage;

(6) identify and quantify economic losses occurring along the Ohio River and its tributaries due to streambank erosion; and

(7) construct demonstration projects, including bank protection works.

(b) For each demonstration project and streambank measure undertaken under subsection (a) of this section, the Secretary shall evaluate the environmental impacts of such project or measure with respect to both riverine and adjacent land-use values, with the view of minimizing environmental losses.

(c) Demonstration projects authorized by this section shall be undertaken to reflect a variety of geographical and environmental conditions, including naturally occurring erosion problems and erosion caused or incurred by man-made structures or activities. At a minimum, demonstration projects shall be conducted at sites on—

(1) that reach of the Ohio River between the Captain Anthony Meldahl Locks and Dam and the McAlpine Locks and Dam;

(2) the Licking River; and

(3) the Kanawha River in the vicinity of St. Albans, West Virginia.

(d) There is authorized to be appropriated not to exceed $25,000,000 to carry out this section.

(e) The Secretary shall report to Congress each year on work undertaken pursuant to this section.

SEC. 508. (a) The Secretary is authorized to construct demonstration projects for low-cost projects along the shore of the Chesapeake Bay and its tributaries for the control of streambank and shoreline erosion. The Secretary shall select an equal number of projects under this section in each of the States of Maryland, Pennsylvania, and Virginia. In selecting projects in Virginia under this section, the Secretary shall give priority consideration to the shoal at the mouth of the Coan River.

(b) The Federal share of the cost of the demonstration projects under this section shall be 50 percent.

(c) Information gathered in the study conducted under section 54 of the Water Resources Development Act of 1976 shall be used to the extent possible in selecting appropriate projects.

(d) There is authorized to be appropriated for fiscal years beginning after September 30, 1985, $5,000,000 to carry out this section.

SEC. 509. The Secretary is authorized and directed to implement at full Federal cost snagging and clearing and channel rectification measures along the Passaic, Pompton, Pequannock, and Ramapo Rivers, New Jersey, from Beatties Dam in Little Falls on the Passaic River upstream to the confluence of the Pompton River at Two Bridges, upstream along the Pompton River to and including the Pompton Feeder on the Pequannock and Ramapo Rivers, and upstream along the Ramapo River to the Pompton Lakes Dam, and along tributaries of such rivers (including Singac Brook and Weasel Brook), including the modification of such structures, flood proofing, and flood warning measures as determined necessary by the Chief of Engineers, at an estimated cost of $25,000,000. None of the work authorized by this section shall affect the analysis of costs and benefits for projects presently being studied by the Secretary.

SEC. 510. The Secretary is authorized to replace the dike at the Small Boat Harbor, Buffalo Harbor, New York, at an estimated cost of $9,000,000.

SEC. 511. The Secretary is authorized and directed to take such measures as may be necessary to correct erosion problems along the banks of the Red Lake River, Minnesota, approximately one and one-half miles

west of Gentilly, Minnesota, adequate to protect the nearby highway and bridge, at an estimated cost $300,000.

SEC. 512. The Secretary is authorized to perform intermittent dredging and such other work as may be required on the Yazoo River in Mississippi, from Greenwood south, to remove natural shoals as they occur, at an annual average cost of $200,000, so as to allow commerce to continue. Responsible local interests shall agree to (1) provide without cost to the United States all lands, easements, and rights-of-way required for dredging and disposal of dredged materials; (2) accomplish without cost to the United States such alterations, relocations, and rearrangement of facilities as required for dredging and disposal of dredged materials; and (3) hold and save the United States free from damages due to the dredging and disposal of dredged materials.

SEC. 513. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and stumps from Greenwood Lake and Belcher Creek, New Jersey, at full Federal expense and at an estimated cost of $10,000,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 514. (a) The Secretary shall take such action as may be necessary to remedy slope failures and erosion problems (1) along the banks of the Coosa River, Alabama, in order to protect the Fort Toulouse National Historic Landmark and Taskigi Indian Mound in Elmore County, Alabama, at an estimated cost of $29,000,000, and (2) along the banks of the Black Warrior River, Alabama, in order to protect the Mound State Monument National Historic Landmark near Moundville, Alabama, substantially in accordance with the study conducted by the District Engineer dated July 20, 1981, at an estimated cost of $4,118,000. Such actions shall be coordinated with the Secretary of the Interior and the State of Alabama.

(b) Prior to initiation of construction of the project authorized by subsection (a), appropriate non-Federal interests shall agree—

(1) to provide without cost to the United States all lands, easements, and rights-of-way necessary for construction and operation of the project;

(2) to hold and save the United States free from damage due to construction, operation, and maintenance of the project, not including damages due to the fault or negligence of the United States or its contractors;

(3) to accomplish without cost to the United States all modifications or relocations of existing sewerage and drainage facilities, buildings, utilities, and highways made necessary by construction of the project; and

(4) to maintain and operate all features of the project after completion, in accordance with regulations prescribed by the Secretary.

SEC. 515. The Secretary is authorized to undertake such measures as may be necessary to maintain the Larkspur Ferry Channel, Larkspur, California, at a depth sufficient for ferry boat service between Marin County and San Francisco, California, at an estimated cost of $500,000.

SEC. 516. The Secretary is authorized to perform dredging in Weeks Bay, Vermilion Bay, and Southwest Pass, Louisiana, to a depth of 13 feet, as necessary to provide a water access route to the Gulf of Mexico from the Port of Iberia Commercial Canal through Weeks Bay, Vermilion Bay, and Southwest Pass, at an estimated cost of $3,000,000.

SEC. 517. The Secretary is authorized to undertake in La Conner, Washington, such bank erosion control measures along the Swinomish Channel as the Secretary determines necessary to prevent damage to structures in the La Conner Historical District, at an estimated cost of $1,177,000.

SEC. 518. The Secretary is authorized to acquire from willing sellers in a timely manner at fair market value 67,000 acres of land for mitigation of wildlife losses resulting from construction and operation of the project for the Tennessee-Tombigbee Waterway, Alabama and Mississippi. Such lands shall be in addition to, and not in lieu of, lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Of the lands acquired under this section, not less than 20,000 acres shall be acquired in the area of the Mobile-Tensaw River delta, Alabama, and not less than 25,000 acres shall be acquired in the areas of the Pascagoula River, the Pearl River, and the Mississippi River delta, Mississippi. Other lands acquired under this section may be acquired anywhere in the States of Alabama and Mississippi. The Secretary shall select lands to be acquired under this section in consultation with appropriate State and Federal officials. Emphasis shall be placed on acquisition of lands which are predominantly flood plain forest. The States of Alabama and Mississippi shall provide for the management for wildlife purposes of lands acquired under this section and lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Subject to such amounts as are provided in appropriation Acts, the Secretary shall reimburse such States for such management and initial development costs as specified in a plan for management of mitigation lands to be developed by the Secretary, the United States Fish and Wildlife Service, and the States of Alabama and Mississippi.

SEC. 519. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from Sauk Lake and its tributary streams in the vicinity of Sauk Centre, Stearns County, Minnesota, at full Federal expense and at an estimated cost of $2,000,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 520. The Secretary shall repair and rehabilitate the Muck Levee, Salt Creek, Logan County, Illinois, at an estimated cost of $12,000.

SEC. 521. (a) The Secretary shall, after consultation with the Passiac River Restoration Steering Committee, carry out a demonstration project for bank stabilization and development, operation, and maintenance of a recreation and greenbelt area on public properties on, and along the east bank of the Passaic River, New Jersey, from Dundee Dam to Kearney Point. Such project shall include, but not be limited to—

(1) the construction, operation, and maintenance of recreational facilities (including, but not limited to, a multipurpose pathway described in the Passaic River Restoration Master Plan) and streambank stabilization structures;

(2) terraforming; and

(3) such tree plantings, vegetation and wildlife protection and development, and other activities as will enhance the natural environment for recreational purposes.

(b) The construction and maintenance of structures and plant and husbandry activities referred to in subsection (a) of this section shall be conditioned upon the ownership by the public of the land or interest therein necessary for such purposes. The operation and maintenance of such structures and activities shall be undertaken by the counties or cities owning the lands on which such structures are to be located or on which such activities are to be carried out.

(c) In carrying out the project described in subsection (a) of this section, the Secretary may acquire by purchase, donation, exchange, or otherwise, lands and interests therein as the Secretary and the Passaic River Restoration Steering Committee determine are necessary to carry out such project. No lands or interests therein may be acquired by the United States or any State or local government to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any lands or interests therein which is not owned by the United States or a State or local government.

(d) Notwithstanding any other provision of law, the Federal share of the project to be carried out pursuant to this section shall be 100 percent of the cost of the project. There is authorized to be appropriated to carry out this section $10,000,000 for fiscal years beginning after September 30, 1985.

SEC. 522. The Secretary is authorized and directed to undertake a project for bank erosion control on the Rillito River in the vicinity to Tucson, Arizona, for the purpose of providing protection against the level of flooding that occurred in October 1983, at an estimated cost of $30,000,000. The Secretary shall include as part of the non-Federal contribution of the project any bank erosion control work on the Rillito River carried out by non-Federal interests after January 1, 1985, which the Secretary determines is reasonably compatible with such project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

SEC. 523. The Secretary shall construct the Agat small boat harbor in Guam in accordance with the provisions of section 107 of the River and Harbor Act of 1960. Such project shall be carried out with any available funds.

SEC. 524. The Secretary is authorized and directed to provide protection against stream bank erosion on the Little River in the vicinity of the Highway 41 bridge, Horatio, Arkansas, at an estimated cost of $500,000.

SEC. 525. The Secretary is authorized to take such measures as may be necessary to maintain a harbor of refuge in Swan Creek, Newport, Michigan. Non-Federal interests shall provide a public wharf and such other facilities as may be necessary for a harbor of refuge which shall be open to all on equal terms and such other requirements as the Secretary deems necessary.

SEC. 526. (a) The Secretary is authorized to construct such bank stabilization meas-

ures as the Secretary determines necessary for flood damage prevention and erosion control along approximately 3,000 feet of Caney Creek in the vicinity of Jackson, Mississippi, between McDowell Road and Raymond Road, at an estimated cost of $1,250,000.

(b) The Secretary shall complete his study of flood and soil erosion problems along Caney Creek and its tributaries in the vicinity of Jackson, Mississippi. For purposes of analyzing cost and benefits of any project recommended by the Secretary as a result of such study, the Secretary shall take into account the cost and benefits of measures undertaken pursuant to subsection (a).

SEC. 527. The Secretary shall undertake a demonstration project for the removal of silt and stumps from, and the control of pollution from nonpoint sources in, Deal Lake, Monmouth County, New Jersey, at an estimated cost of $8,000,000. Upon completion of the demonstration project, the Secretary shall submit a report of such project, along with recommendations for further measures to improve the water quality of Deal Lake, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 528. Notwithstanding any other provision of law, the Secretary shall transfer to New Hanover County, North Carolina, its successors or assigns, without consideration, all right, title, and interest of the United States to a surplus dredging vessel (known as the "Hyde hopper dredge") in Wilmington, North Carolina, if such county agrees in writing to utilize such vessel only for the purpose of establishing an artificial fish habitat at no cost to the United States.

SEC. 529. The Secretary is directed to construct a low-level weir across the cutoff channel of the Wabash River at Grayville, Illinois to restore the river flow to its original channel and prevent streambank erosion and damage to public and private facilities, at an estimated Federal cost of $2,200,000.

SEC. 530. (a) The Secretary is authorized and directed to establish and conduct for a period of five years at multiple sites on the Platte River and its tributaries in Nebraska a demonstration program consisting of projects for flood control and streambank erosion prevention. The program shall have as its objectives the protection of property, environmental enhancement, and social well-being.

(b) Flood control projects carried out under this section shall include projects for the construction, operation, and maintenance of flood damage reduction measures, including but not limited to bank protection and stabilization works, embankments, clearing, snagging, dredging, and all other appropriate flood control measures, and shall also include recreational facilities deemed appropriate by the Secretary. Such projects shall be carried out substantially in accordance with the plan of action of the Chief of Engineers dated February 6, 1984, and with the Platte River and Tributaries, Nebraska, study of 1978 and the Platte River Basin, Nebraska, Level B Study of 1976.

(c) In carrying out any streambank erosion prevention project under this section, the Secretary shall—

(1) identify streambank erosion measures likely to provide the highest degree of protection technically and economically feasible for both high and low flow conditions;

(2) conduct necessary research on the interaction of erodible boundaries with flowing water in order to more accurately predict the behavior and optimum design of protective works;

(3) define and test optimum designs of bed slope and grade control structures for a wide range of soil and flow conditions;

(4) develop, field test, and evaluate new erosion protection products or methods, including but not limited to earth or rock-filled grids, reinforced earth bulkheads, stabilized mattings for vegetation seeding, patterned schemes using manufactured blocks in loose, matted, or interconnected configurations, and any other appropriate techniques recommended under section 32 of the Water Resources Development Act of 1974;

(5) develop and evaluate engineering techniques to control overbank drainage; and

(6) identify and quantify economic losses occurring along the Platte River and its tributaries due to streambank erosion.

(d) For each demonstration project under this section, the Secretary shall evaluate the environmental impacts of such project with respect to both riverine and adjacent land-use values, with the view of enhancing wildlife and wildlife habitat as a major purpose coequal with all other purposes and objectives, and with the view of minimizing environmental losses.

(e) Demonstration projects authorized by this section shall be undertaken to reflect a variety of geographical and environmental conditions, including naturally occurring erosion problems and erosion caused or incurred by man-made structures or activities. At a minimum, demonstration projects shall be conducted at sites on—

(1) that reach of the Platte River between Hershey, Nebraska, and the boundary between Lincoln and Dawson Counties, Nebraska; and

(2) that reach of the Platte River from the boundary between Colfax and Dodge Counties, Nebraska, to its confluence with the Missouri River and that portion of the Elkhorn River from the boundary between Antelope and Madison Counties, Nebraska, to its confluence with the Platte River.

(f) The Secretary shall condition the construction, operation, and maintenance of any project under this section upon the availability to the United States of such land and interests in land as he deems necessary to carry out such project and to protect and enhance the river in accordance with the purposes of this section. Lands and interests in land for any project under this section shall not be acquired without the consent of the owner, except that not to exceed five percent of the lands acquired for such a project may be acquired in less than fee title without the consent of the owner if determined necessary by the Secretary because of flooding or streambank erosion problems causing or threatening to cause serious damage in the Platte River Basin.

(g) The Secretary shall establish a Platte River Advisory Group consisting of representatives of the State of Nebraska and political subdivisions thereof, affected Federal agencies, and such private organizations as the Secretary deems desirable. Projects under this section shall be carried out in coordination and consultation with such Advisory Group.

(h)(1) Except as provided in paragraph (2), projects carried out under this section shall be at full Federal expense.

(2) Prior to construction of any project under this section, non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction, operation, and maintenance of such project; hold and save the United States free from damages due to construction, operation, and maintenance of such project; and share equally in the costs required to operate and maintain such project.

(i) There is authorized to be appropriated for fiscal years beginning after September 30, 1985, not to exceed $25,000,000 to carry out this section.

(j) The Secretary shall report to Congress each year of the demonstration program under this section on work undertaken pursuant to such program.

(k) The Congress finds that the benefits for national economic development, regional development, social well-being, and environmental quality exceed the costs of the projects authorized by this section.

SEC. 531. (a) The Secretary, in consultation with the Soil Conservation Service of the Department of Agriculture, the United States Geological Survey and the Office of Surface Mining of the Department of the Interior, the State of Ohio, and other appropriate Federal and non-Federal agencies, shall study the flooding problems in the Wheeling Creek Watershed, Ohio, and measures to prevent or reduce such flooding, including control of erosion of coal mine areas to reduce deposition of sediments in Wheeling Creek, removal of sediment deposits in Wheeling Creek, and other measures deemed appropriate by the Secretary. Not later than two years after the date of enactment of this Act, the Secretary shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study together with recommendations taking into consideration the objectives set forth in section 1101 of this Act.

(b) The Secretary is authorized to undertake interim emergency flood control measures, including the removal of sediment deposits from Wheeling Creek and other measures deemed appropriate by the Secretary, to reduce flood damage in the vicinity of Goosetown, Wolfhurst, Barton, Crescent, Maynard, Blainsville, Fairpointe, Crabapple, and Lafferty, Ohio. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study authorized by subsection (a) of this section, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this subsection.

(c) There is authorized to be appropriated to carry out the provisions of subsection (b) of this section not to exceed $7,000,000.

SEC. 532. The Secretary shall maintain the navigation project for Wilson Harbor, Wilson, New York, to its authorized dimensions.

SEC. 533. The Secretary shall maintain the navigation project for Oak Orchard Harbor, Carlton, New York, to its authorized dimensions.

SEC. 534. The Secretary is authorized to construct a project for flood protection along Five Mile Creek, Dallas, Texas, including dredging of a channel at the lower end of such creek and developing a retention structure at the upper end of such creek, at an estimated cost of $7,100,000.

SEC. 535. (a) The Secretary shall construct a bridge (including approaches thereto) across the Ohio River between Newport, Kentucky, and Cincinnati, Ohio, to replace a bridge on United States Route 27, at an estimated cost of $30,000,000.

(b) The Secretary shall construct a bridge (including approaches thereto) across the Ohio River between Covington, Kentucky, and Cincinnati, Ohio, to replace a bridge on Kentucky State Route 17, at an estimated cost of $31,000,000.

(c) Subject to subsection (d) of this section, the Secretary shall construct, in whole or in part, a bridge (including approaches thereto) across the Ohio River between Maysville, Kentucky, and Aberdeen, Ohio, to replace a bridge on United States Route 68.

(d) In allocating funds made available to carry out this section, the Secretary shall assure that sufficient funds are allocated to the projects authorized by subsections (a) and (b) of this section to complete such projects. Any remaining funds shall be used to carry out subsection (c) of this section.

(e) The Secretary may enter into agreements with the highway departments of the States of Kentucky and Ohio to carry out subsections (a), (b), and (c) of this section.

(f) The Secretary of Transportation shall transfer any amounts set aside under section 147 of the Federal-Aid Highway Act of 1978 which were in excess of amounts needed to complete projects authorized by such section to the Secretary for the purpose of carrying out this section. Such funds shall be available to the Secretary for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended.

SEC. 536. The Secretary shall construct in the vicinity of the former site of Tolay Lake in Sonoma County, California, a water resources development project consisting of a storage reservoir, a dam and three wing dams, and such discharge, transmission, distribution, and other related facilities as the Secretary considers appropriate, at an estimated cost of $150,000,000.

SEC. 537. The Secretary is authorized and directed to undertake a demonstration project to remove silt and aquatic growth from Lake Worth, Tarrant County, Texas, including constructing silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Lake Worth. Such project shall also provide for the use of dredged material from Lake Worth for the reclamation of despoiled land. The Secretary may take such other actions as may be necessary to carry out such project. Upon completion of the demonstration project the Secretary shall submit a report of such project, along with recommendations of further measures to improve the water quality of Lake Worth, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. There is authorized to be appropriated $1,750,000 to carry out this section.

SEC. 538. The Secretary is authorized and directed to construct such streambank protection works as the Secretary deems necessary to prevent further bank failure and erosion of a 1,200-foot reach of the left descending bank of the Kanawha River from approximately 55th Street to a point approximately 100 feet upstream of 57th Street in Charleston, West Virginia, at an estimated Federal cost of $440,000. Such works are authorized on the condition that local interests furnish all lands, easements, rights-of-way, access routes and relocations necessary for project construction. Local interests shall also hold and save the United States free from damages, and maintain and operate the works after completion. Funds to carry out the provisions of this section will be allocated from available Construction General funds of the Treasury, and shall remain available for purposes of this section until completion of such works.

SEC. 539. The Secretary is authorized and directed to deepen the Fox River Channel, Green Bay, Wisconsin, to a depth of twenty-seven feet in accordance with such plans as the Chief of Engineers determines are advisable. There is authorized to be appropriated for fiscal years beginning after September 30, 1985, such sums as may be necessary to carry out this section.

SEC. 540. (a) The Secretary of Agriculture, acting through the Administrator of the Soil Conservation Service, is authorized to complete construction of the following projects for run-off and waterflow retardation and soil erosion prevention:

(1) Bush River Watershed, Virginia;

(2) Great Creek Watershed, Virginia; and

(3) Cottonwood-Walnut Creek Watershed, New Mexico.

(b) Construction of such projects shall be completed in accordance with the resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives which authorized such construction; except that—

(1) construction of the project for Cottonwood-Walnut Creek Watershed, New Mexico, shall be completed in accordance with such resolutions as modified by Committee Print 99-11 of the Committee on Public Works and Transportation of the House of Representatives; and

(2) the amount authorized to be appropriated for construction of such projects shall be as follows:

(A) for Bush River Watershed, Virginia, $6,490,000;

(B) for Great Creek Watershed, Virginia, $2,900,000; and

(C) for Cottonwood-Walnut Creek Watershed, New Mexico, $24,630,000.

SEC. 541. (a) The Secretary is authorized and directed to undertake a demonstration project to remove accumulated silt and debris from Hamlet City Lake, Hamlet, North Carolina, including constructing silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Hamlet City Lake.

(b) Upon completion of the demonstration project, the Secretary shall submit a report of such project, along with recommendations of further measures to improve the water quality of Hamlet City Lake, to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(c) There is authorized to be appropriated $300,000 to carry out this section.

The CHAIRMAN. Are there amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—WATER RESOURCES STUDIES

SEC. 601. The Secretary is authorized and directed to prepare and submit to Congress feasibility reports on the following water resources projects at the following locations:

Illinois River in the vicinity of Hardin, Illinois, to recommend remedial measures for bank stabilization.

Kinnickinnic River, Milwaukee County, Wisconsin, for flood control and allied purposes.

SEC. 602. The Secretary is authorized and directed to undertake the detailed engineering and design for a flood control project at Milton, Pennsylvania, including, but not limited to, final construction plans at a cost not to exceed $2,500,000.

SEC. 603. The Secretary is hereby authorized and directed to make studies in cooperation with the Secretary of the Interior and the governments of Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands for the purposes of providing plans for the development, utilization, and conservation of water and related land resources of such jurisdiction, at an estimated cost of $2,000,000 for each of the four studies. Such studies shall include appropriate consideration of the needs for flood protection, wise use of flood plain lands, navigation facilities, hydroelectric power generation, regional water supply and waste water management facilities systems, general recreation facilities, enhancement and control of water quality, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, economic and human resources development. Such studies shall be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies.

SEC. 604. (a) The Secretary shall make a study of the possibility of rehabilitating the hydroelectric potential at former industrial sites, millraces, and similar types of facilities already constructed and of the possibility of converting such sites for use as new, small hydroelectric projects. The Secretary shall also provide technical assistance to local public agencies and cooperatives in any such rehabilitation at sites studied or qualified for study under this section.

(b) There is authorized to be appropriated to carry out this section, $5,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988.

SEC. 605. (a) The Secretary shall investigate and study the feasibility of utilizing the capabilities of the United States Army Corps of Engineers to conserve fish and wildlife (including their habitats) where such fish and wildlife are indigenous to the United States, its possessions, or its territories. The scope of such study shall include the use of engineering or construction capabilities to create alternative habitats, or to improve, enlarge, develop, or otherwise beneficially modify existing habitats of such fish and wildlife. The study shall be conducted in consultation with the Director of the Fish and Wildlife Service of the Department of the Interior, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, and shall be transmitted, within the 30-month period beginning on the date of enactment of this Act, by the Secretary to Congress, together with the findings, conclusions, and recommendations of the Chief of Engineers. The Secretary, in consultation with the Federal officers referred to in the preceding sentence, shall undertake a continuing review of the matters covered in the study and shall transmit to Congress, on a biennial basis, any revisions to the study that may be required as a result of the review, together with the find-

ings, conclusions, and recommendations of the Chief of Engineers.

(b) The Secretary is further authorized to conduct demonstration projects of alternative or beneficially modified habitats for fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed $10,000,000 to carry out such demonstration projects. Such projects shall be developed, and their effectiveness evaluated, in consultation with the Director of the Fish and Wildlife Service and the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. One of such demonstration projects shall be the construction of a reef for fish habitat in Lake Erie in the vicinity of Buffalo, New York, one of such projects shall be the construction of a reef for fish habitat in the Atlantic Ocean in the vicinity of Fort Lauderdale, Florida, and one of such projects shall be the construction of a reef for fish habitat in Lake Ontario in the vicinity of the town of Newfane, New York.

SEC. 606. The Secretary, in consultation with appropriate Federal, State, and local agencies, is authorized to make a nationwide study and appraisal of the nature and scope of the Nation's flood problems and the effectiveness of existing programs, both structural and nonstructural, in reducing losses from floods, at an estimated cost of $5,000,000, and to report thereon to Congress within three years with recommendations on proposed modifications to existing laws and policies to improve the overall effectiveness of the nationwide efforts to reduce such losses. In the conduct of this study particular attention should be given to flood problems existing in highly developed urban watersheds and their relationships to local storm drainage and pollution control measures.

SEC. 607. Section 142 of the Water Resources Development Act of 1976 (Public Law 94-587) is amended by inserting immediately after "Napa," the following: "San Francisco, Marin,".

SEC. 608. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall determine the extent of shoreline erosion damage in the United States causally related to the regulation of the waters of Lake Superior by the International Joint Commission—United States and Canada, in response to an emergency application by the United States made on January 26, 1973. The Secretary shall report to Congress, not later than the end of the fiscal year following the fiscal year for which the initial appropriation is made to carry out this section, the results of such survey, together with recommendations of a methodology for, and a determination of, the costs of indemnifying individual shoreline property owners, and a recommended schedule for such indemnification. There is authorized to be appropriated to carry out this section not to exceed $2,130,000.

SEC. 609. The Secretary shall study the feasibility of requiring, in the interest of safety, each boat loading facility which is or has been built only after authorization by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), to display sufficient lighting from sunset to sunrise to make such facility's presence known within a reasonable distance. The Secretary shall transmit a report of such study, including recommendations to the Congress not later than September 30, 1986.

SEC. 610. (a) Not later than two years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an estimate of the long-range capital investment needs for water resources programs under the jurisdiction of the Secretary, including, but not limited to, deep-draft ports, inland waterway transportation, flood control, municipal and industrial water supply, and hydroelectric power and recreation and fish and wildlife conservation and enhancement associated with such programs.

(b) The estimate prepared under this section shall include, but not be limited to—

(1) an estimate of the current service levels of public capital investments and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(2) capital investment needs in each major program area over a period of ten years;

(3) an identification and analysis of the principal policy issues that affect estimated capital investment needs;

(4) an identification and analysis of factors that affect estimated capital investment needs including but not limited to the following factors:

(A) economic assumptions;

(B) engineering standards;

(C) estimates of spending for operation and maintenance;

(D) estimates of expenditures for similar investments by State and local governments;

(E) estimates of demand and need for public services derived from such capital investments and estimates of the service capacity of such investments; and

(F) the effects of delays in planning and implementation of water resources projects on the capital investment costs of water resources programs, including increased costs associated with interest rates and inflation; and

(5) a description of the economic, social, and environmental benefits realized from past investments and expected to be realized from future investments, including the protection of life and property.

SEC. 611. The Secretary is directed to expedite completion of the study of New York Harbor and Adjacent Channels, New York and New Jersey, authorized by a resolution of the Committee on Environment and Public Works of the Senate, dated December 15, 1980, and to submit a report to Congress on the results of such study not later than October 1, 1986.

SEC. 612. The Secretary is authorized to study the feasibility of identifying the amounts, types, and locations of flood control benefits produced by reservoir projects and of requiring non-Federal participation in such projects in proportion to the benefits received from such projects. The Secretary shall transmit a report on the results of such study together with recommendations to Congress not later than two years after the date of enactment of this Act.

SEC. 613. (a) The Secretary shall study and monitor the extent and adverse environmental effects of dioxin contamination in the Passaic River-Newark Bay navigation system.

(b) Not later than one year after the date of enactment of this Act, the Secretary shall transmit a report on the results of such study and monitoring along with any recommendations of the Secretary concerning methods of reducing the effects of such contamination to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 614. Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a list of water resources studies which have been authorized before the date of enactment of this Act and for which no report has been transmitted to the Congress. For each such study the Secretary shall include the following information:

(1) the date of authorization and the manner in which the study was authorized;

(2) a description of the purposes of the study;

(3) a description of funding that has been made available for the study;

(4) a description of any work that has been performed in carrying out the study; and

(5) a description of any work that remains to be done in carrying out the study and the time necessary for and estimated cost of completing such work.

For each such study the Secretary shall make a recommendation as to whether the study should continue to be authorized.

SEC. 615. (a) The Secretary shall prepare and submit the annual report required by section 8 of the Act of August 11, 1888, in two volumes. Volume I shall consist of a summary and highlights of Corps of Engineers' activities, authorities and accomplishments. Volume II shall consist of detailed information and field reports on Corps of Engineers' activities.

(b) The Secretary shall prepare biennially for public information a report for each State containing a description of each water resources project under the jurisdiction of the Secretary in such State and the status of each such project. The report for each State shall be prepared in a separate volume.

SEC. 616. The Secretary is authorized and directed to undertake a study of the feasibility of navigation improvements at Saginaw Bay and Saginaw River, Michigan, including channel widening and deepening. The Secretary shall submit the feasibility report on such study to the Congress not later than September 30, 1986.

SEC. 617. The Secretary is authorized to study the feasibility of constructing shoreline erosion mitigation measures along the Rancho Palos Verdes coastline, California, for the purpose of providing additional stabilization for the Portuguese Bend landslide area. The Secretary shall submit the feasibility report on such study to the Congress not later than two years after the date of enactment of this Act.

SEC. 618. The Secretary is directed to expedite completion of the study of the navigation project for Sunset Harbor, California, at an estimated cost of $820,000, and to submit a report to the Congress on the results of such study not later than October 1, 1986. The study shall include a determination of the feasibility of recovery of Federal project costs through Federal participation in the local economic benefits created by the construction and operation of the project.

SEC. 619. In order to determine the advisability of specific measures to diminish shoreline erosion, marsh deterioration, salt water intrusion, hurricane vulnerability, and barrier island destruction and to carry out reasonable planning efforts that require suitable sediment for nourishment, the Secretary is authorized to conduct a nearshore sediment inventory to determine availability of suitable sediment in the offshore waters of Louisiana between Southwest Pass and

Sabine Pass and in Lake Pontchartrain and in Lake Borgne, at a cost not to exceed $2,000,000.

SEC. 620. The Secretary is authorized to undertake a study of the feasibility of opening a channel between Jamaica Bay and Reynolds Channel, Long Island, New York, for the purpose of water quality improvement. The Secretary shall report the results of such study to Congress not later than one year after the date of enactment of this Act.

SEC. 621. The Secretary shall study land acquisition policies applicable to water resources projects carried out by the Secretary, including, among other things, an analysis of the acquisition policies of mineral rights in connection with such projects. Such study shall also include a complete detailed report on (1) the acquisition policies and procedures utilized by the Secretary in the acquisition of mineral rights at the water resources project for Lake Sommerville, Texas, authorized by the Flood Control Act of June 28, 1938, and (2) the acquisition policies and procedures followed in permitting reservoir lands to be used for mineral exploration and development subsequent to construction of such project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study along with such recommendations as the Secretary may have for modifications of such land acquisition policies.

SEC. 622. No Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Columbia River Basin, or the Arkansas River Basin, to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

SEC. 623. The Secretary shall immediately investigate erosion problems on the southern bank of the Black Warrior-Tombigbee River from river mile 253 to river mile 255. Not later than six months after the date of enactment of this Act, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of such investigation along with recommendations for measures to alleviate such erosion problems.

SEC. 624. The Secretary is authorized to conduct a study of the feasibility of developing measures to control storm water runoff on a watershed basis. Such study shall include, among other things, a review of existing drainage codes, State statutes, and Federal programs relating to prevention of drainage soil erosion and flooding. Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of such investigation along with recommendations concerning development of such measures.

SEC. 625. The Secretary is authorized and directed to conduct a study (1) to analyze the differences among Corps districts and Corps divisions regarding boundary delineation and fencing practices, (2) to analyze the cost of fencing activities and the relationship of such cost to the benefits derived from such activities, and (3) to analyze the need for providing, to the greatest extent practicable and consistent with authorized project purposes, access of the project area to the general public for recreational purposes. The Secretary shall submit a report on the results of such study to Congress not later than one year after the date of the enactment of this Act.

SEC. 626. The Secretary is authorized and directed to complete a study of the Army Corps of Engineers project evaluation and selection criteria identifying all factors which create a disproportionate burden adverse to the selection of flood control or other projects under the Secretary's authority in rural areas and in areas with greater percentages of low-income individuals. Within one year of the date of the enactment of this Act the Secretary shall transmit a report to Congress on the results of such study together with specific recommendations for changes in the selection criteria that would effectively eliminate any bias against projects in such areas.

SEC. 627. The Secretary is authorized and directed to study the eradication and control of hydrilla in the Potomac River and to develop an effective plan of action for such eradication and control. Not later than September 30, 1986, the Secretary shall submit to Congress a report on the results of such study together with the plan of action which the Secretary recommends and an estimate of the cost of implementing such plan.

SEC. 628. (a) The Secretary shall study the requirements relating to inclusion of storage for present and future water supply in water resources projects constructed by the Secretary, including establishment of costs for and repayment schedules for principle and interest for such water supply features.

(b) Such study shall determine whether such requirements ensure development of adequate supplies of water for municipal and industrial use and availability of such supplies at equitable price levels.

(c) The Secretary shall submit a report on the results of the study required by this section, together with recommendations, to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives within one year after the date of the enactment of this Act.

SEC. 629. (a) The Secretary shall study and develop a plan for drought management and low fresh-water inflow maintenance on the major tributaries entering the Chesapeake Bay, including, but not limited to, water conservation, water storage, emergency restrictions, and ground water recharge.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit a report of the study required by this section, together with recommendations, to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House.

SEC. 630. (a) The Secretary shall conduct a feasibility study on providing flood protection in the Guayanilla River Basin, Puerto Rico.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study together with such recommendations as the Secretary determines to be appropriate.

AMENDMENT OFFERED BY MR. DYSON

Mr. DYSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYSON: Page 175, line 19, strike out "and".

Page 175, line 21, strike out the period and insert in lieu thereof the following: "and one of such projects shall be the construction of a reef for fish habitat in the Chesapeake Bay in Maryland.".

Mr. DYSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. DYSON. Mr. Chairman, I applaud the committee for the fine work it has done on H.R. 6. This is a good bill which meets the pressing needs of today and fulfills the obligations we have to future generations.

In title VI of this bill, the Secretary is authorized to construct demonstration projects for fish habitats in various regions of the country. My amendment seeks to add the Chesapeake Bay to this list.

Mr. Chairman, as one of the world's largest ecosystems, the Chesapeake provides spawning and nursery sites for several rare and endangered species of fish. Hundreds of thousands of migratory birds and waterfowl find food and shelter in the bay and the bay is also a nesting area for the endangered bald eagle and osprey.

From the rich waters of the bay we have harvested more crabs than any other body of water in the world. Not only my colleagues, but the entire Atlantic seaboard has feasted on the abundant supply of crabs, oysters, clams, and other seafood which have been fished from the bay.

Mr. Chairman, as I am sure you know, we are surrounded by almost 4,000 miles of shoreline. Our beautiful bay has fallen on hard times. Many years of unchecked pollution and general neglect has depleted the bay of some of its bounty, most notably, the striped bass or rockfish. Despite a moratorium on rockfish in Maryland and severe restrictions in Pennsylvania and Virginia, the most recent survey has indicated that the number of striped bass spawned in the upper bay—which historically accounts for over one-fourth of all striped bass—is at its lowest level in three decades.

Our Government recognized the important role the bay has in our economy, our diet, and as a natural resource enjoyed by millions of Americans. Therefore, it is of extreme importance that we include the bay in this project for it is through efforts such as this planned habitat demonstration project that we will replenish, and save, our bay.

I yield to the chairman of the subcommittee.

Mr. ROE. I want to compliment the gentleman from Maryland [Mr. DYSON] for a splendid approach, and I know the great work that he has been doing in the Chesapeake Bay Program over these years, and has been a real leader in that field, and for this modification that he is looking for for increasing reef fish habitat, which is a general advanced environmental view.

I think it is an excellent amendment, and we have no problems on our side of the aisle.

Mr. STANGELAND. Will the gentleman yield?

Mr. DYSON. I yield to the gentleman.

Mr. STANGELAND. I, too, want to commend the gentleman and say we have looked at the amendment on this side of the aisle; we think it is an improvement on this section, and we certainly accept it.

Mr. DYSON. I thank both gentlemen.

Mr. Chairman, I would like to say for the benefit of the House that I think we would not have made the great strides that we have made in the Chesapeake Bay if it wasn't for the gentleman from New Jersey and the gentleman from Minnesota.

They have been tremendous helps in that regard, especially in their role on the Water Resources Subcommittee.

I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

□ 1430

Mrs. BENTLEY. Mr. Chairman, I would like to join in support of this amendment by my colleague from Maryland. Chesapeake Bay, of course, is the most important asset of the State of Maryland and, we think, one of the most important in the United States.

Mr. Chairman, I commend the gentleman for his amendment.

Mr. DYSON. Mr. Chairman, I thank all those Members for their fine remarks.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. DYSON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VI of the bill?

Mr. ROEMER. Mr. Chairman, I have an amendment at the desk, and unfortunately it is to title V. I was so fascinated by the last debate, I let it go by.

Mr. Chairman, I ask unanimous consent that my amendment be considered at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. ROEMER

The Clerk read as follows:

Amendment offered by Mr. ROEMER: Page 134, line 5, strike out the period and insert in lieu thereof the following: ", except that the land the Secretary may purchase for such project may include all or such portion of any land referred to in the report or all or such portion of any land adjacent to the Loggy Bayou Wildlife Management Area in Bossier Parish, Louisiana, which the Secretary determines is appropriate.".

Mr. ROEMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ROEMER. Mr. Chairman, I have discussed my amendment with the chairman of the subcommittee, Mr. ROE.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from New Jersey.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman from Louisiana.

Mr. Chairman, I compliment the gentleman on this added dimension of the wildlife program in Loggy Bayou.

I think it is a great addition to the bill.

Mr. Chairman, we have no objection to the amendment.

Mr. ROEMER. I thank the gentleman for his comments.

Mr. Chairman, I also talked to my colleagues on the Republican side of the aisle.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman fom Minnesota.

Mr. STANGELAND. I thank the gentleman for yielding.

Mr. Chairman, we, too, have looked at the amendment and think it serves a good purpose in the bill.

Mr. ROEMER. I thank the gentleman for his comments.

The amendment, simply put, allows Red River Waterway mitigation the potential purchase of property around Loggy Bayou for the purpose of wildlife preserve. It does not add any cost to the bill. It just gives the Corps of Engineers another option.

I appreciate the time and ask for passage by the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. ROEMER].

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title VI?

Mrs. BENTLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 3670.

Mr. Chairman, shortly before this Congress recessed for the congressional August recess, the House and Senate agreed to and passed the supplemental appropriations bill for fiscal year 1985. Included in the bill was appropriations for water construction projects.

President Reagan signed the supplemental appropriations bill into law in August of this year, thereby, giving his approval for water construction development that is funded through Federal, State, and local cost sharing measures.

Under the Supplemental Appropriations Act of 1985 funds will be released for the construction of water projects long overdue. It has been over a decade since a bill has been enacted that provides for port and inland waterways development.

Today, Mr. Chairman, we have before us H.R. 3670, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985. As a member of both the Committee on Public Works and Transportation and the Merchant Marine and Fisheries, I have participated in the markup of H.R. 3670. I wish to commend the leadership and members of all the committees responsible for getting H.R. 3670 to the floor for House action.

It is imperative for this Congress to act and pass H.R. 3670, the omnibus water bill, in a timely fashion. As soon as H.R. 3670 becomes law, cost sharing measures will be established and funds appropriated in the Supplemental Appropriations Act of 1985 will be released to begin long overdue port development and water resources construction.

On Sunday of this week, some 600 of my constituents of the Second Congressional District of Maryland, joined me in celebrating the deepening of the main ship channel leading into the Port of Baltimore. Those who joined me in celebrating the dredging of the harbor shared the vision that with the use of water construction funds greater economic growth will result.

After the dredging, larger ships will be free to enter the Baltimore Port. Greater means for trade will create more jobs and a stronger economy with the importation and exportation of goods.

Port development of the Baltimore Port is just one example of the many ways our Nation's water infrastructure will benefit from investing in construction of our water resources. I strongly urge my colleagues to join me in supporting H.R. 3670, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985.

Enactment of H.R. 3670 will provide cost-sharing measures for the initi-

ation of water construction projects. Port development, inland waterways, flood control projects, beach erosion, municipal water supply systems, and other water resources projects will receive necessary funding to maintain and develop this Nation's water infrastructure. A vote for H.R. 3670 will be a vote for investment in America's means to foster economic growth.

The CHAIRMAN. Are there further amendments to title VI of the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 187, after line 19, insert the following:

SEC. 631. The Secretary shall prepare and submit to Congress not later than October 1, 1986, a report on the status of feasibility and reconaissance studies (including studies completed and studies currently being conducted) relating to the hydroelectric power potential at existing Corps of Engineers projects in the States of Illinois, Indiana, Michigan, Ohio, Wisconsin, Iowa, Minnesota, Pennsylvania, and West Virginia.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ROBINSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Arkansas.

Mr. ROBINSON. Mr. Chairman, I rise in support of the bill, H.R. 3670, the Omnibus Water Resources Authorization. Contained within the bill is money for a vitally necessary and long standing flood control project—the improvement of the Fourche Creek and its tributaries. The Federal share authorized is $22.8 million.

The principal water problem in southwest Little Rock is urban flooding caused by inadequate channel capacities of Fourche Creek and its tributaries, particularly Coleman, Grassy Flat and Rock creeks. A major flood, in September 1978, caused over $17 million in damages in 1978 dollars. More recent storms have routinely resulted in extensive local flooding.

The recommended plan of improvement consists of channel clearing, channel improvement, flood plain management measures to restrict future development in the 100-year flood plain, and acquisition of 1,750 acres of bottomland for environmental preservation. The project is designed to prevent approximately 95 percent of the average annual damages of overbank flooding.

The final Environmental Impact Statement was filed with the Environmental Protection Agency on March 20, 1981. The presentation of the bottomland acreage will provide unique opportunities for the public enjoyment of nature in an urban setting.

The passage of the bill has been long delayed due to controversy surrounding the local funding and funding ratios for various projects contained in the bill. The local share for this project has been available for some time—demonstrating the urgent need and local support for the Fourche project. Once approved by the Senate and signed by the President, an appropriation bill will be required. I will seek to have funds included for the Fourche Creek in a supplemental appropriation bill.

Mr. TRAFICANT. Mr. Chairman, today I am offering an amendment that directs the Army Corps of Engineers to prepare and submit to Congress a report on the status of feasibility and reconnaissance studies relating to the hydroelectric power potential at existing corps projects in the Great Lakes region; namely, Illinois, Indiana, Michigan, Ohio, Wisconsin, Iowa, Minnesota, Pennsylvania, and West Virginia.

We have a great opportunity before us. The opportunity to tap an underutilized source of energy: hydropower. Its clean, environmentally safe and renewable. Converting the falling water that is now wasted at existing corps projects into useable energy opens up new possibilities for becoming less dependent on foreign sources of oil.

Two points I want to stress are:

First, this amendment will allow for a status of these corps studies, those completed and underway, and the cost-benefit of engaging them to produce hydroelectric power—not studying the construction of new projects.

Second, other regions throughout the country have been successful in receiving hydroelectric development. It is now time for the Northeast-Midwest to share in reliable, nonpolluting power sources. I urge my colleagues to approve this amendment.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the chairman of the subcommittee.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, again, I want to compliment the gentleman from Ohio for his extensive contribution to our efforts in Public Works and this overall legislation.

Mr. Chairman, I think that the amendment that the gentleman has presented is very workable, and it is a good idea, and we should be doing it.

Mr. Chairman, we have no objection to the amendment of the gentleman from Ohio.

Mr. TRAFICANT. Unless there is opposition, Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—PROJECT MODIFICATIONS

SEC. 701. The navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173, 1174) is hereby modified to provide that the United States shall pay for the remedial work to Long Creek Canal which the city of Virginia Beach, Virginia, was required to carry out as a result of such navigation project, at a cost not to exceed $1,660,000.

SEC. 702. The project for navigation on the Southern Branch of Elizabeth River, Virginia, authorized by resolutions of the Senate and House Public Works Committees, dated October 1, 1976, and September 23, 1976, respectively, under the provisions of section 201 of Public Law 89-298, is hereby modified to delete the requirement that local interests contribute in cash for land enhancement benefits 2.4 per centum of the construction cost, including engineering and design and supervision and administration thereof, of all work to be provided by the Corps of Engineers.

SEC. 703. The general comprehensive plan for flood control and other purposes in the Ohio River Basin authorized by the Flood Control Act approved June 28, 1938, is hereby modified to authorize the Secretary to reconstruct and repair the Cherry Street bridge and the Walnut Street bridge, Massillon, Ohio, at an estimated cost of $2,100,000. Non-Federal interests shall own, operate, and, upon completion of the work authorized by this section, maintain such bridges in accordance with the requirements of the Flood Control Act approved June 28, 1938.

SEC. 704. The navigation project at Mamaroneck Harbor, New York, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1038), the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), and section 101 of the Rivers and Harbors Act of 1960 (74 Stat. 480) is hereby modified to provide that the Federal share of the additional cost of disposing in ocean waters dredged material resulting from dredging necessary to maintain the project, above the cost of disposing of such dredged material on land, shall be 80 per centum.

SEC. 705. The hurricane-flood protection project for Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298) is hereby modified to provide that the Secretary is authorized to construct features, such as a flood wall with sluice gates or other means, at an estimated cost of $3,500,000, to insure that, by the most economical means, the level of protection within Jefferson Parish provided by the hurricane-flood protection project will be unimpaired as the result of any pumping station constructed by local interests. Requirements for non-Federal cooperation for the additional work authorized by this section shall be on the same basis as levee improvements for hurricane-flood protection on this project.

SEC. 706. The project for Reelfoot Lake, Lake numbered 9, Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on

Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that operation of the pumping plant feature of such project shall be the responsibility of the United States.

SEC. 707. The Yaquina Bay and Harbor project, Oregon, authorized by the River and Harbor Act approved March 2, 1919, is modified to authorize the Secretary to raise the south jetty to protect vehicular access which was provided at non-Federal cost and to protect public use areas on accreted land adjacent to the south jetty, from damaging effects of overtopping of the jetty, on condition that local interests provide the necessary lands, easements, and rights-of-way for such modification. The estimated Federal construction cost of this modification is $2,200,000.

SEC. 708. The project for flood control and other purposes on the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175) is hereby modified to authorize the Secretary, upon request of and in coordination with the Colorado Department of Natural Resources and upon the Chief of Engineers' finding of feasibility and economic justification, to reassign a portion of the storage space in the Chatfield Lake project to joint flood control-conservation purposes, including storage for municipal and industrial water supply, agriculture, and recreation and fishery habitat protection and enhancement. Appropriate non-Federal interests shall agree to repay the cost allocated to such storage in accordance with the provisions of the Water Supply Act of 1958, the Federal Water Project Recreation Act, and such other Federal laws as the Chief of Engineers determines appropriate.

SEC. 709. The project for flood protection on the Sacramento River, California, authorized by the Flood Control Act approved March 1, 1917, as amended, is hereby further modified to authorize the Secretary to construct bank protection works along the reach of the Sacramento River and its tributaries from Red Bluff to Shasta Dam, and from Chico Landing downstream along each bank to the head of the Sacramento River flood control project levees, subject to the same requirements of non-Federal cooperation applicable to other similar elements of the project, and to include mitigation of fish and wildlife losses induced by the project. The evaluation and justification of the project shall be based on the overall benefits and costs of all project elements. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $25,000,000 to carry out the purposes of this section.

SEC. 710. The project for King Harbor, Redondo Beach, California, authorized in the River and Harbor Act of 1950, is hereby modified to provide that all costs of the dredging and maintenance of such project shall be borne by the United States and that the Secretary shall restore the breakwaters to a height of 22 feet and maintain the breakwaters at such height. The Secretary is authorized to study the need for and feasibility of raising the breakwater to a height greater than 22 feet. Not later than two years after the date of enactment of this Act, the Secretary shall make a report of such study with recommendations to the Congress.

SEC. 711. The plan for the harbor improvement at Honolulu Harbor, Oahu, Hawaii, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) is hereby modified to delete the requirement that local interests contribute in cash, prior to initiation of construction, a lump sum amounting to 2.6 per centum of the estimated first cost of the general navigation facilities for the project, ascribed to land enhancement through disposition of dredged material.

SEC. 712. (a) The navigation project for Santa Cruz Harbor, Santa Cruz, California, authorized in section 101 of the River and Harbor Act of 1958 (Public Law 85-500) is hereby modified to provide that the United States shall reimburse the non-Federal interests for 80 per centum of the cost of acquiring and installing the sand bypassing facility authorized as part of such project, at an estimated cost of $36,000,000, and that none of the costs of operating and maintaining such facility or of any maintenance dredging in such harbor shall be paid by the United States. Such project is also modified to authorize the Secretary to seal the east jetty of such harbor to prevent sand from passing through.

(b) The Secretary shall study the long-term solutions to the shoaling problems in Santa Cruz Harbor and shall report the results of such study, along with recommendations, to the Congress upon completion of such study. There is authorized to be appropriated $600,000 for fiscal years beginning after September 30, 1985, to carry out this subsection.

SEC. 713. The project for the mouth of the Colorado River, Texas, authorized by the River and Harbor Act of 1968, is hereby modified to provide that the diversion channel authorized as a part of such project to divert Colorado River flows into Matagorda Bay shall be constructed and maintained entirely at Federal expense and for the purpose of fish and wildlife enhancement, at an estimated additional construction cost of $425,000. The benefits attributable to the diversion channel shall be deemed to at least equal its costs.

SEC. 714. The project for the town of Niobrara, Nebraska, authorized by section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby modified to authorize and direct the Secretary to relocate existing Nebraska Highway Numbered 12 through the relocated town of Niobrara, Nebraska, with necessary connections to Nebraska Highway Numbered 14, at an estimated cost of $1,600,000.

SEC. 715. The comprehensive plan for the development of the water resources of the Alabama-Coosa River and tributaries, authorized by section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 10), as modified by Public Law 83-436, approved June 29, 1954 (68 Stat. 302), is further modified as follows: the plan for the Coosa River segment of the waterway between Montgomery and Gadsden, Alabama, is hereby modified generally in accordance with the plans contained in the report of the District Engineer, Mobile District, entitled "Montgomery to Gadsden, Coosa River Channel, Alabama, Design Memorandum No. 1, General Design", dated May 1982, subject to such modification thereof from time to time as the Secretary may deem advisable. The interest rate to be used in determining benefits and costs of the modified project shall continue to be that rate which is applicable to the project as originally authorized.

SEC. 716. (a) The LaFarge Dam project for flood control and allied purposes for the Kickapoo River, Wisconsin, authorized by the Flood Control Act of 1962, is hereby modified to authorize and direct the Secretary to construct as soon as possible and with available funds, the flood control levee, channel improvement, and interior drainage facilities for Gays Mills, Wisconsin, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 450, Eighty-seventh Congress, at an estimated cost of $4,000,000. The project features authorized by this section may be funded under section 205 of the Flood Control Act of 1948, as amended. Benefits and costs resulting from construction of such project features shall continue to be included for purposes of determining the economic feasibility of completing the partially constructed LaFarge Dam.

(b) The Secretary is authorized and directed to complete as soon as possible a reconnaissance study under section 205 of the Flood Control Act of 1948 with respect to such structural and nonstructural measures as the Secretary determines are necessary and appropriate to prevent flood damage in the vicinity of Viola, Wisconsin.

SEC. 717. The project for flood control in East Saint Louis and vicinity, Illinois, authorized by section 204 of the Flood Control Act of 1965, is hereby modified to authorize the Secretary to provide drainage channels in conjunction with the pumping plant to improve project effectiveness and the local environment, substantially in accordance with the report of the District Engineer, Saint Louis district, entitled "Reevaluation Report, Bluewaters Ditch area", dated September 1976, at an estimated additional cost of $1,130,000.

SEC. 718. The project for flood protection at Winona, Minnesota, authorized under the provisions of section 201 of the Flood Control Act of 1965, is hereby modified to provide that changes to two bridges within the limits of the city of Winona, Minnesota, made necessary by the project and its present plan of protection, shall be accomplished entirely at Federal expense, at an estimated cost of $630,000.

SEC. 719. The project for flood control, Wenatchee, Washington, Canyons 1 and 2, authorized by resolution of the Committees on Public Works of the House of Representatives and Senate on December 15 and 17, 1970, respectively, is hereby modified, notwithstanding any other provision of law (including section 302 of this Act), to authorize the Secretary to acquire lands, easements, and rights-of-way and to make relocations for such project on condition that local interests enter into a legally binding agreement before construction to reimburse the United States for the non-Federal share of the cost of such project, including interest on the unpaid balance, in not more than fifty equal annual installments. The non-Federal share of the cost of such project shall be determined under such section 302. The rate of interest on the unpaid balance shall be that specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85-500).

SEC. 720. The project for replacement of locks and dam 26, Mississippi River, Alton, Illinois and Missouri, authorized by section 102 of the Act of October 21, 1978 (Public Law 95-502), is modified to provide for the repair of the Red School House County Road, St. Charles County, Missouri, to such standard as the Secretary determines reasonable, but in no event to a standard less than the minimum standard required by such county.

SEC. 721. (a) Subsection (a) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and thereafter to maintain such channel free of such trees, roots, silt, debris, and objects.".

(b) Subsection (b) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at end thereof the following new sentence: "Non-Federal interests shall pay 25 per centum of the cost of maintaining the channel free of such trees, roots, silt, debris, and objects.".

SEC. 722. Subsection (a) of section 92 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) in the third sentence thereof, by striking out "Each installment" and inserting in lieu thereof "Except as provided in paragraph (2) of this subsection, each installment"; and

(3) by adding at the end thereof the following new paragraph:

"(2) The Secretary of the Army, acting through the Chief of Engineers, shall, upon the request of Saint Bernard Parish, Louisiana, modify the agreement entered into between the Secretary and Saint Bernard Parish pursuant to this section so that each installment to be paid by Saint Bernard Parish as its part of the non-Federal share of the cost of the hurricane-flood protection project on Lake Pontchartrain, Louisiana, shall be one-fiftieth of the remaining unpaid balance as set forth in such agreement plus interest on such balance, and the total of such installments shall be sufficient to achieve full payment of such balance, plus interest, within fifty years of the initiation of project construction.".

SEC. 723. The second sentence of subsection (b) of section 116 of the River and Harbor Act of 1970 (84 Stat. 1822) is amended to read as follows: "The Secretary of the Army, acting through the Chief of Engineers, shall, before beginning any operation to maintain the channel authorized by this section, enter into a separate agreement with the appropriate non-Federal interests which is applicable only to that operation and which requires such non-Federal interests to pay 25 per centum of the cost of such maintenance operation.".

SEC. 724. The second paragraph under the center heading "BRAZOS RIVER BASIN" in section 10 of the Flood Control Act of 1946 (60 Stat. 649), is amended by inserting "or water supply" after "irrigation".

SEC. 725. The project for navigation at Houston Ship Channel (Greens Bayou), Texas, authorized under section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is hereby modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a forty-foot project depth in that section of Greens Bayou from mile 0 to mile 0.34 as described in House Document Numbered 257, Eighty-ninth Congress.

SEC. 726. The Secretary is authorized to modify any water resources development project for mitigation of damages to fish and wildlife if the estimated cost of such modification does not exceed 10 per centum of the estimated total cost of such project or $7,500,000, whichever is the lesser. No appropriation shall be made for any such modification of a project if such modification has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. For the purpose of securing consideration of such approval, the Secretary shall transmit to Congress a report of such modification, including all relevant data and all costs.

SEC. 727. (a) Bank protection activities conducted under the Rio Grande bank protection project pursuant to the First Deficiency Appropriation Act, 1945, approved April 25, 1945 (59 Stat. 89), may be undertaken in Starr County, Texas, notwithstanding any provision of such Act establishing the counties in which such bank protection activities may be undertaken, at an estimated cost of $700,000.

(b) Any bank protection activity undertaken in Starr County, Texas, pursuant to subsection (a) of this section shall be—

(1) in accordance with such specifications as may be prepared for such purpose by the International Boundary and Water Commission, United States and Mexico; and

(2) except as provided in subsection (a), subject to the terms and conditions generally applicable to activities conducted under the Rio Grande bank protection project.

SEC. 728. The project for the Anacostia River and tributaries, District of Columbia and Maryland, approved under authority of section 205 of the Flood Control Act of 1948, is hereby modified to authorize the Secretary to prevent damage to the project caused by the one hundred-year flood, including, but not limited to, replacing riprap, removing sediment deposits, shaping and sodding slopes, and seeding, at an estimated cost of $4,400,000.

SEC. 729. The navigation project for Yazoo River, Mississippi, authorized by the River and Harbor Act of 1968, is hereby modified to provide that the cost of the alteration of the Shepardstown Bridge (mile 147.8) shall be entirely borne by the United States, at an estimated cost of $3,600,000.

SEC. 730. The project for flood control on Corte Madera Creek, Marin County, California, authorized by section 201 of the Flood Control Act of 1962 is hereby modified to authorize and direct the Secretary to construct the project for unit 4, from the vicinity of Lagunitas Road Bridge to Sir Francis Drake Boulevard, substantially in accordance with the plan, dated February 1977, on file in the office of the San Francisco district engineer. The plan is hereby further modified to authorize and direct the Secretary to construct such flood proofing measures as may be necessary to individual properties and other necessary structural measures in the vicinity of Lagunitas Road Bridge to insure the proper functioning of the completed portions of the authorized project. The non-Federal share of the costs of such measures shall be in accordance with the cost-sharing provisions contained in section 73(b) of the Water Resources Development Act of 1974. The project is hereby further modified to eliminate any channel modifications upstream of Sir Francis Drake Boulevard.

SEC. 731. The project for improvement of the Mississippi River below Cape Girardeau with respect to the Teche-Vermilion Basins, Louisiana, authorized in the Flood Control Act of 1966, is hereby modified to require the Secretary to relocate at Federal expense the Highway 71 bridge required to be relocated by this project or, at his discretion, to reimburse local interests for such relocation carried out by them at an estimated cost of $1,200,000.

SEC. 732. The Granger Dam project, San Gabriel River, Texas, is modified to require the Secretary to elevate, relocate, or make such other changes as may be necessary to insure that county roads numbered 361 and 428, including bridges, Williamson County, Texas, be upgraded to conform to the same standards as relocated FM Road numbered 971 at a cost not to exceed $3,800,000. The work authorized by this section shall not be commenced until appropriate non-Federal interests agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance.

SEC. 733. The project for Lewisville Lake, Texas, authorized by the River and Harbor Act approved March 2, 1945, is hereby modified to authorize and direct the Secretary to take such actions as may be necessary to insure that approximately four thousand feet, including bridges and approaches, of the road crossing Cottonwood Branch of Lewisville Lake, Texas, formerly designated State Highway 24T, will be above elevation five hundred and thirty-two feet above mean sea level, at an estimated cost of $3,200,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and to accept all such work thereafter for operation and maintenance.

SEC. 734. The project for Dardanelle lock and dam, Arkansas, authorized by the River and Harbor Act approved July 24, 1946, is hereby modified to authorize and direct the Secretary to take such action as may be necessary to replace the existing bridge across Cane Creek, Logan County, Arkansas, with a new bridge at an estimated cost of $1,800,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance and no other requirements shall be imposed on non-Federal interests in connection with this work.

SEC. 735. The project for flood protection on the Susquehanna River at Sunbury, Pennsylvania, authorized by the Flood Control Act of 1936, as modified by the Flood Control Act of 1941, is hereby modified to authorize and direct the Secretary to permanently seal the closure structure at the abandoned Reading Railroad site, at an estimated cost of $75,000.

SEC. 736. The project for the Hudson River, New York; New York City to Waterford authorized by the Act of June 25, 1910 (Public Law 318, Sixty-first Congress), as amended, is modified to authorize the Secretary to remove shoals between the mouth of Roeliff Jansen Kill, Columbia County, New York, and the present navigation channel and to place such removed material at an appropriate site designated by the State of New York, at an estimated cost of $150,000.

SEC. 737. The flood control project for the San Lorenzo River, Santa Cruz County, California, authorized by the Flood Control Act of 1954, is hereby modified to authorize and direct the Secretary to dredge the San Lorenzo River to provide flood protection to

Santa Cruz, California, and surrounding areas, entirely at Federal expense, at an estimated cost of $3,500,000. No dredging of such river (other than that authorized by the preceding sentence) shall be accomplished by the Secretary, except as provided in a law enacted after the date of enactment of this Act.

SEC. 738. The project for flood protection along the Sacramento River and its tributaries, California, authorized by the Flood Control Act of 1917, as amended, is hereby modified to authorize and direct the Secretary to accomplish remedial construction necessary to restore the project flood control levees along the Colusa Trough Drainage Canal and the Knights Landing Ridge Cut, at an estimated cost of $10,400,000.

SEC. 739. The project for New Melones Dam and Reservoir, California, authorized by the Flood Control Act of 1962 is hereby modified to authorize the following roads to be upgraded to Federal-aid secondary system standards: (1) 5.1 miles of the Parrotts Ferry Road, from north of the Parrotts Ferry Bridge to State Route 4 at Vallecito, Calaveras County, California, and (2) 5.4 miles of Parrotts Ferry Road from south of the Parrotts Ferry Bridge to State Route 49 near Sonora, Tuolumne County, California, at an estimated Federal cost of $15,000,000. The cost of the work authorized by this section shall be paid entirely by the United States.

SEC. 740. After the date of the enactment of this section, the Secretary of the Army shall have all of the authority which the Secretary of the Air Force has immediately prior to such date over the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona. The Secretary is authorized to take necessary remedial measures to assure structural integrity and flood control capacity of the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona, constructed under authority of section 304 of Public Law 209 of the Eighty-third Congress, at an estimated cost of $7,500,000. The Secretary is authorized to reimburse any non-Federal interest for any remedial measure (1) carried out by such interest, after January 1, 1983, and before the date of enactment of this Act, to assure structural integrity and flood control capacity of the Trilby Wash Detention Basin (McMicken Dam) at a level of flood protection equal to the level of flood protection provided by such dam before January 1, 1977, and (2) approved by the dam safety agency of the State of Arizona.

SEC. 741. The Secretary is authorized to acquire real property by condemnation, purchase, donation, exchange, or otherwise, as a part of any water resources development project for use for public park and recreation purposes, including but not limited to, real property not contiguous to the principal part of the project.

SEC. 742. The following water resources development projects are modified to authorize the Secretary to construct the beach erosion control, storm protection, or navigation feature of the project separately or in combination with the other such features:

(1) Great Egg Harbor Inlet and Peck Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965 (79 Stat. 1073, 1074).

(2) Corson Inlet and Ludlam Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

(3) Townsend Inlet and Seven Mile Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 743. The project for the Apalachicola-Chattahoochee-Flint Rivers, Georgia and Florida, authorized in section 2 of the River and Harbor Act of 1945 (Public Law 79-14; 59 Stat. 10) is hereby modified to authorize the Secretary—

(1) in the course of routine maintenance dredging, to restore and maintain access (in the interest of navigation and ecological restoration) to bendways and interconnecting waterways, including the upper and lower inlets to Poloway cutoff, isolated during construction and maintenance activities by the Federal Government; and

(2) to acquire lands for and to construct, operate, and maintain water-related public use and access facilities along and adjacent to the Apalachicola River downstream of Jim Woodruff lock and dam to Apalachicola, Florida, except that the Secretary shall proceed with the acquisition of lands for the construction of water-related public use and access facilities and the operation and maintenance of such facilities at not more than one area within each county bordering the Apalachicola River.

The Federal and non-Federal share of activities authorized by paragraph (2) of this subsection shall be determined in accordance with the provisions of the Federal Water Project Recreation Act of 1965 (Public Law 89-72; 79 Stat. 213).

SEC. 744. The project for Racine Harbor, Wisconsin, authorized by the River and Harbor Act of March 2, 1945, is hereby modified as described in Racine County Federal permit application number 85-196-02. The Secretary is authorized to construct and maintain the modified harbor area, including initial dredging of such harbor area and entrance channel and construction of a dredged-spoil containment facility, at an estimated cost of $3,000,000.

Sec. 745. The project on Milk River for local flood protection at Havre, Montana, authorized by section 10 of the Flood Control Act approved December 22, 1944 (58 Stat. 897), is hereby modified to authorize the Secretary to reconstruct or replace, whichever the Chief of Engineers determines necessary and appropriate, the water supply intake weir of the city of Havre, Montana, at an estimated cost of $1,400,000.

SEC. 746. The Lower Granite lock and dam feature of the project for navigation, Snake River, Oregon, Washington, and Idaho, authorized by the first section of the River and Harbor Act approved March 2, 1945 (59 Stat. 21), is hereby modified to authorize the Secretary to construct an all-weather surface road in Whitman County, Washington, from Whitman County Road 9000 in Wawawai Canyon to Lower Granite Dam and the Port of Almota, at an estimated cost of $7,870,000.

SEC. 747. The project for Curwensville Lake, Pennsylvania, authorized by the Flood Control Act of 1954 is hereby modified to authorize the Secretary to construct, at full Federal expense, a water line with pumps from the Pike Township Water Authority to the Bloomington holding tank in order to provide water for municipal use to the town of Bloomington, Pennsylvania, at an estimated cost of $300,000.

SEC. 748. The project for flood protection, Waterloo, Iowa, authorized by section 204 of the Flood Control Act of 1965 is hereby modified to provide that the reconstruction of the bridge on United States Highway 20 and the Lafayette Street bridge which are required as a result of the Blowers Creek phase of the project shall be carried out at full Federal expense, at an estimated cost of $1,700,000.

SEC. 749. The Mud Lake feature of the project for the western Tennessee tributaries, Tennessee and Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that the requirements of local cooperation shall be (1) to hold and save the United States free from damages due to the construction works, and (2) to maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary.

SEC. 750. The project for flood control on the Kawkawlin River, Michigan, authorized under the authority of section 205 of the Flood Control Act of 1948, as amended, is hereby modified to provide that the operation and maintenance of the project shall be the responsibility of the Secretary, at an estimated annual cost of $70,000.

SEC. 751. The project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act approved June 28, 1938 (52 Stat. 1219), as amended, is hereby modified to provide that the Secretary is authorized to reallocate from hydropower storage to water supply storage, in increments as needed, up to an additional 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Texas and up to 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Oklahoma. For that portion of the water storage reserved for users in the State of Oklahoma, the Secretary may contract, in increments as needed, with qualified individuals, entities, or water utility systems for use within the Red River Basin; except that for any portion of that water to be utilized outside the Red River Basin, the Secretary shall contract with the RedArk Development Authority. For the portion of the water storage reserved for users in the State of Texas, the Secretary shall contract, in increments as needed, for 50,000 acre-feet with the Greater Texoma Utility Authority and 100,000 acre-feet with the North Texas Municipal Water District. All contracts entered into by the Secretary under this section shall be under terms in accordance with section 301(b) of the Water Supply Act of 1958 (Public Law 85-500). No payment shall be required from and no interest shall be charged to users in the States of Oklahoma or Texas for the reallocation authorized by this section until such time as the water supply storage reserved under such reallocation is actually first used. Any contract entered into for the use of the water received under this section shall require the contracting entity to begin principal and interest payments on that portion of the water allocated under the contract at the time the entity begins the use of such water. Until such time, storage for which reallocation is authorized in this section may be used for hydropower production. Nothing in this section shall be construed as amending or altering in any way the Red River Compact. In consideration of benefits in connection

with such reallocation and usage of municipal, industrial, and agricultural water, all benefits that can be assigned to the Red River chloride control project, Texas and Oklahoma, or the Red River and tributaries multipurpose study, Oklahoma, Texas, Arkansas, and Louisiana, and any individual projects arising from such study, shall be reserved for such projects. Nothing in this section shall affect water rights under the laws of the States of Texas and Oklahoma.

SEC. 752. The navigation project for Buffalo Ship Canal, Buffalo, New York, authorized by the River and Harbor Act of March 2, 1945, is hereby modified to authorize and direct the Secretary to take such actions as may be necessary to construct a high-lift span bridge in the vicinity of the Coast Guard station, approximately 3,600 feet north of South Michigan Avenue, over the ship channel, at full Federal expense, at an estimated cost of $18,000,000.

SEC. 753. The project for Jackson Hole, Snake River, local protection and levee, Wyoming, authorized by the River and Harbor Act of 1950, is hereby modified to provide that the operation and maintenance of the project and additions and modifications thereto constructed by non-Federal interests shall be the responsibility of the Secretary, except that the non-Federal interests shall pay the first $35,000, in cash or materials, of the cost of any such operation and maintenance in any one year.

SEC. 754. The project for navigation for Newport Bay Harbor, Orange County, California, authorized by the River and Harbor Act approved August 26, 1937 (50 Stat. 849), and section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 21), is modified to authorize the Secretary to dredge and maintain the upper Newport Bay to the boundary of the Upper Newport Bay State Ecological Preserve to a depth consistent with the depth in the existing project for lower Newport Bay, at an estimated cost of $2,500,000.

SEC. 755. The project for flood control and other purposes in the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is modified to provide that the Chatfield Dam and any other authorized Federal improvements in the South Platte River Basin shall be operated in a manner that achieves the authorized level of flood protection, as determined by the Secretary, for the area beginning at the Chatfield Dam and ending at a point 82 miles downstream.

SEC. 756. The multipurpose project at Beaver Lake, Arkansas, authorized by the Flood Control Act of 1954, is hereby modified to authorize and direct the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and in consultation with appropriate State and local agencies, to conduct a one-year comprehensive study of the Beaver Lake reservoir to identify measures which will optimize achievement of the project's purposes while preserving and enhancing the quality of the reservoir's water. Upon completion of the study the Secretary shall undertake a demonstration project at Beaver Lake to determine the effectiveness of measures identified in such study for preserving and enhancing the quality of the reservoir's water for current and future users, at full Federal expense and at an estimated cost of $5,000,000.

SEC. 757. (a) The Mississippi River-Gulf outlet feature of the project for Mississippi River, Baton Rouge to Gulf of Mexico, authorized by the Act of March 29, 1956 (Public Law 455 of the Eighty-fourth Congress, 70 Stat. 65), is modified to provide that the replacement and expansion of the existing industrial canal lock and connecting channels or the construction of an additional lock and connecting channels shall be in the area of the existing lock. The Federal share of the cost of such modification shall be paid from the Port Infrastructure Development and Improvement Trust Fund. The conditions of local cooperation specified in House Document Numbered 245, Eighty-second Congress, shall apply to the construction of the replacement or additional lock and connecting channels, except that the additional costs, as determined by the Chief of Engineers, of lands, easements, and rights-of-way acquisition and relocations of residences, industries, and utilities beyond those costs at the Meraux site (Violet), including such costs attributable to the relocation, replacement, modification, or construction of bridges, shall be borne by the United States. All other costs of relocation, replacement, modification, or construction of bridges (at a cost not to exceed $94,500,000), required as a result of the construction of the replacement or additional lock and connecting channels shall be borne by the United States; and before construction of bridges may be initiated the non-Federal public bodies involved shall agree (1) to hold and save the United States free from damages resulting from construction of the bridges and their approaches, (2) upon completion of construction, to accept title to such bridges and approaches and thereafter to operate and maintain the bridges and their approaches as free facilities.

(b) The Secretary is directed to make a maximum effort to assure the full participation of members of minority groups, living in the affected areas, in the construction of the replacement or additional lock and connecting channels authorized by subsection (a) of this section, including actions to encourage the use, wherever possible, of minority-owned firms. The Chief of Engineers is directed to report on July 1 of each year to the Congress on the implementation of this section, together with recommendations for any legislation that may be needed to assure the fuller and more equitable participation of members of minority groups in this project or others under the direction of the Secretary.

SEC. 758. The project for flood protection on the Saginaw River, Michigan, authorized by the Flood Control Act of 1958 (Public Law 85-500), is modified (1) to provide that the Secretary shall first construct the Flint and Shiawassee Rivers portion of the Shiawassee Flats unit of such project and that such construction shall begin, with available funds, during fiscal year 1986, and (2) to authorize the Secretary to reconstruct or relocate, whichever the Secretary determines is necessary, the Curtis Road Bridge, at full Federal expense and at an estimated cost of $350,000. Such project is also modified to include necessary measures to alleviate project-induced flood damages to areas outside the project area and to include such channelization measures in the Shiawassee Flats unit as the Secretary determines necessary for flood control purposes. For the purpose of determining the non-Federal share of the cost of the project, as modified, the cost of reconstruction or relocation of the Curtis Road Bridge, as the case may be, shall not be included in the cost of the project.

SEC. 759. The navigation project for Brunswick Harbor, Georgia, authorized by the River and Harbor Act of 1950, is hereby modified to incorporate the Georgia Ports Authority's 30-foot-deep by 300-foot-wide by 8,000-foot-long channel in the South Brunswick River serving Colonel's Island terminal facilities.

SEC. 760. The project for navigation at Houston Ship Channel (Barbour Terminal Channel), Texas, authorized by section 107 of the River and Harbor Act of 1960 (74 Stat. 486), is modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a 40-foot project depth in the Barbour Terminal Channel.

SEC. 761. (a) The Hansen Dam project authorized as part of the flood control project for the Los Angeles and San Gabriel Rivers, California, by section 5 of the Flood Control Act approved June 22, 1936 (49 Stat. 1589), is hereby modified to authorize the Secretary to contract for the removal and sale of dredged material from the flood control basin for Hansen Dam, Los Angeles County, California, for the purposes of facilitating flood control, recreation, and water conservation. All funds received by the Secretary from the removal and sale of such dredged material shall be deposited in the general fund of the Treasury.

(b) There is authorized to be appropriated for fiscal years beginning after September 30, 1985, an amount not to exceed the amount of funds received by the Secretary from the removal and sale of dredged material under subsection (a). Amounts appropriated under this subsection shall be available to the Secretary—

(1) to construct, operate, and maintain recreational facilities at the Hansen Dam project; and

(2) to the extent consistent with other authorized project purposes, to facilitate water conservation and ground water recharge measures at the Hansen Dam project in coordination with the city of Los Angeles, California, and the Los Angeles County Flood Control District;

at full Federal expense.

SEC. 762. The project for navigation, Newport News Creek, Virginia, authorized by the River and Harbor Act of 1946, is hereby modified to authorize the relocation and reconstruction by the State of Virginia of the project upon approval of plans for such relocation and reconstruction by the Secretary.

SEC. 763. The project for flood protection, Turtle Creek, Pennsylvania, authorized by the Flood Control Act of 1958, is hereby modified to authorize and direct the Secretary to repair and restore such project so that such project serves its project purposes. Such repairs and restoration shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary to furnish its required cooperation for such repairs and restoration in accordance with the project agreement and to comply with section 221 of the Flood Control Act of 1970 and the non-Federal share requirements of section 302 of this Act.

SEC. 764. The project for navigation, Dunkirk Harbor, New York, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated June 22, 1971, is modified to authorize the Secretary to include dredging and maintenance of the east-

ern inner harbor of such project in accordance with such plans as the Secretary, in consultation with appropriate non-Federal interests, may develop, at an estimated cost of $2,300,000.

SEC. 765. The project for navigation at Houston Ship Channel (Bayport Ship Channel), Texas, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 298), is modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a 40-foot project depth in the Bayport Ship Channel.

SEC. 766. (a) The project for navigation for Honolulu Harbor, Hawaii, authorized by section 101 of the River and Harbor Act of 1954, is modified to authorize and direct the Secretary to maintain a 23-foot project depth in the Kalihi Channel portion of such project.

(b) The consent of Congress is hereby given to the State of Hawaii to construct, operate, and maintain a fixed-span bridge in and over the water of the Kalihi Channel, Honolulu Harbor, Hawaii.

SEC. 767. The project for navigation, Bayou Lafourche and Lafourche-Jump Waterway, Louisiana, authorized by the River and Harbor Act of August 30, 1935, is hereby modified to provide for the maintenance by the Secretary of a channel 30 feet deep from mile minus 2 to mile 0 in Belle Pass and of a channel 24 feet deep from mile 0 to mile 4 in Bayou Lafourche. The Secretary is authorized and directed to study the feasibility of deepening the channel from mile 0 to mile 4 in Bayou Lafourche to 30 feet. The Secretary shall report the results of such study with recommendations to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 768. (a) The project for harbor improvement at Noyo, Mendocino County, California, authorized by the River and Harbor Act of 1962 (76 Stat. 1173), is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the cost of areas required for initial and subsequent disposal of dredged material, and of necessary retaining dikes, bulkheads, embankments, and movement of materials therefor.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary upon a finding by the Administrator of the Environmental Protection Agency (1) that for the area to which such construction applies, the State of California, municipalities, and other appropriate political subdivisions of the State and industrial concerns are participating in, and in compliance with, an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities, and (2) that applicable water quality standards are not being violated.

(c) If, in lieu of diked disposal, the Secretary determines ocean disposal is necessary to carry out the project, the Federal share of the cost of such ocean disposal shall be 100 per centum.

SEC. 769. The project for flood control, Endicott, Johnson City, and Vestal, New York, authorized by the Flood Control Act of 1954, is hereby modified to authorize the Secretary to undertake such measures as may be necessary to correct erosion problems affecting the levee at Vestal, New York, and to perform necessary work to protect the levee and restore it to its design condition, at an estimated cost of $700,000. The non-Federal share of the cost of such measures and work shall be determined under section 302 of this Act.

SEC. 770. The flood control project for Sardis Lake, authorized by section 203 of the Flood Control Act of 1962, as modified by section 108 of the Energy and Water Development Appropriation Act of 1982, is modified to authorize and direct the Secretary to plan, design, and construct access road improvements to the existing road from the west end of Sardis Lake to Daisy, Oklahoma, at full Federal expense and at an estimated cost of $10,000,000. Non-Federal interests shall operate and maintain facilities at their own expense.

SEC. 771. The project for navigation, Cambridge Creek, Maryland, is modified to authorize and direct the Secretary to narrow the channel in the existing project, as determined necessary by the Secretary for the purpose of enhancing economic development in the area of such creek. No appropriation shall be made for carrying out such modification, if such modification has not been approved by resolution adopted by the Committee on Public Works and Transportation of the Houses of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 772. (a) The project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, authorized by the River and Harbor Act of 1958, is modified to provide that the first Federal construction increment of the Ocean Township to Sandy Hook reach of such project shall consist of a berm of approximately 50 feet at Sea Bright and Monmouth Beach extending to and including a feeder beach in the vicinity of Long Beach, at an estimated cost of $40,000,000.

(b) The non-Federal share of the cost of construction and maintenance of the Ocean Township to Sandy Hook reach of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, shall consist of amounts expended by non-Federal interests for reconstruction of the seawall at Sea Bright and Monmouth Beach, New Jersey.

(c) Before initiation of construction of any increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, non-Federal interests shall agree to provide public access to the beach for which such increment of the project is authorized in accordance with all requirements of State law and regulations.

SEC. 773. The project for flood control, Taylorsville Lake, Kentucky, authorized by the Flood Control Act of 1956, is modified to authorize and direct the Secretary to replace the Floyd's Fork Bridge on Routt Road, Jefferson County, Kentucky, in order to provide improved access to the project, at an estimated cost of $650,000.

SEC. 774. The project for the Lower Snake River Fish and Wildlife Compensation Plan, authorized by the Water Resources Development Act of 1976, is modified in accordance with the recommendations contained in the report of the Chief of Engineers, dated March 6, 1985.

SEC. 775. The project for navigation, Illinois River at Peoria, Illinois, authorized by the River and Harbor Act of 1946, is modified to provide for the inclusion within the project an adjacent downstream water area of approximately 400 feet long by 200 feet wide developed by local interests for an enlarged small boat harbor, including Federal construction and maintenance of such area and an access channel to a depth of 7 feet, at an estimated cost of $50,000. The project features authorized by this section may be funded under section 107 of the River and Harbor Act of 1960.

SEC. 776. The project for navigation for Tampa Harbor, Florida, authorized by the River and Harbor Act of 1970 is modified to provide for the widening of the authorized Port Sutton Turning Basin an additional 105 feet to the fender line along Pendola Point, at an estimated cost of $850,000.

SEC. 777. The project for Coralville Reservoir on Iowa River, Iowa, authorized by the Flood Control Act approved June 28, 1938, is modified to provide that the Secretary shall take such measures as are necessary to improve the Johnson County, Iowa, Road F-28 between Interstate route I-380 and Front Street in North Liberty, Iowa, at an estimated cost of $1,400,000.

SEC. 778. The project for flood protection on the Chariton River, Iowa and Missouri, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1262), is modified to authorize and direct the Secretary to sell to the Rathbun Regional Water Association, Incorporated, a sufficient number of acre-feet of storage space from Rathbun Lake, Iowa, to yield to such association one billion five hundred million gallons of water annually based on a 90-percent chance of sufficient water being available from such lake. Such sale of storage space shall be subject to such terms and conditions as the Secretary and association may agree to under existing law, except that the construction costs of such project allocated to water supply required to be repaid under section 301(b) of the Water Supply Act of 1958 and the interest and amortization rate used to calculate the annual financial cost shall be the same as those used in contract number DACW41-76-C-0031 entered into by the United States and such association and approved by the Assistant Secretary of the Army for Civil Works on October 10, 1975.

SEC. 779. The project for navigation, Salem River, New Jersey, is hereby modified to provide that the depth of such project shall be 20 feet.

SEC. 780. The navigation project, Cold Spring Inlet, New Jersey, is hereby modified to provide that the depth of the 2,000 foot reach of the New Jersey Intracoastal Waterway in Cape May County shall be 15 feet.

SEC. 781. The project for navigation and power generation, Fort Peck, Montana, authorized by the Act entitled "An Act to authorize the completion, maintenance, and operation of the Fort Peck project for navigation, and for other purposes", approved May 18, 1938 (16 U.S.C. 833), shall include recreation as a purpose of such project.

AMENDMENTS OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. CONTE:

On page 312, line 9 strike "protection and";

On page 312, lines 10 and 11 strike ", mitigation of project—caused fish and wildlife losses (including habitat),"; and

On page 312, line 12, insert a comma before "shall".

On page 199, line 19 insert a period after "wildlife" and delete all thereafter through "lesser." on line 21, and

On page 200, line 4 insert the following after the period: "The Secretary shall, under the terms of this section, obligate not more than $30,000,000 in any fiscal year.".

On page 341, line 1, strike "involves" and insert in lieu thereof "necessitates the mitigation of fish and wildlife losses, including";

On page 341, line 4, after "such" insert "mitigation or enhancement, including acquisition of the";

On page 341, line 4, after "shall be" insert "undertaken or"; and

On page 341, line 6, after "shall be" insert "undertaken or".

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Chairman, I have three amendments at the desk, one in title VII and two in title XI. Since they deal with the same subject matter, I ask unanimous consent that they be considered en bloc.

Mr. Chairman, let me begin by commending the gentleman from New Jersey [Mr. ROE] and the gentleman from Minnesota [Mr. STANGELAND], as well as other members of the subcommittee and full committee, for their work on this bill. This bill represents the best efforts of four committees to respond to our Nation's critical water resource needs, while being mindful of our continuing budgetary problems. The bill provides for increased cost sharing on various water projects, and, I am pleased to note, also provides for the implementation of a program of water supply construction loans and grants. This program, contained in title VIII, is one on which I have worked closely with the chairman and other members of the committee, particularly the gentleman from Pennsylvania [Mr. EDGAR] and I applaud the committee's inclusion of that program in this bill.

The bill also contains important environmental safeguards to be pursued in the construction of water projects. Federal projects that dam, drain, and divert the waters and wetlands of the United States almost invariably affect the value of fish and wildlife habitat in the project area. Over the years, significant improvements have been made by the Corps of Engineers in the consideration of fish and wildlife impacts, and this bill will continue those improvements. But the legacy of major wildlife losses from projects built in years past, as well as overwhelming size of the construction program contemplated by this bill, lead me to propose several amendments to strengthen and clarify the treatment of important fish and wildlife habitat at corps projects.

With the populations of numerous species of migratory waterfowl reaching record lows on our major flyways this year, it is time to redouble our efforts to preserve the habitat upon which the very survival of these species depends.

Mr. Chairman, my first amendment deals with the provision in title VII of the bill clarifying the Corps of Engineers' authority to retrofit existing projects with fish and wildlife mitigation features. My amendment would strike the $7.5 million ceiling for individual project modifications, and substitute a $30 million annual aggregate ceiling for such work. This will provide greater flexibility to the corps to meet real mitigation needs on a project by project basis, while also maintaining budgetary discipline with a reasonable, and by all estimates adequate, ceiling on expenditures.

My second amendment would clarify a provision in title XI regarding the evaluation of fish and wildlife measures included in Corps of Engineers projects. I am concerned that the language currently in the bill might have the effect of clouding the distinction between fish and wildlife mitigation and fish and wildlife enhancement, for purposes of project benefit-cost analysis. My understanding is that mitigation is currently, and appropriately, treated as a project cost and allocated among other project purposes such as hydropower or water supply.

My amendment would strike the reference to mitigation in this section, to avoid any inference that fish and wildlife mitigation should be subject to separate benefit/cost analysis.

My third amendment, also to title XI, would clarify an important new provision of the bill requiring the implementation of fish and wildlife mitigation concurrently with the implementation of other project features. My amendment would make clear that all activities constituting a mitigation plan—and not merely the acquisition of mitigation lands—are to be implemented concurrently with project construction. Such other features might include fish ladders, greentree reservoirs, or other facilities necessary to effectively manage fish and wildlife resources for mitigation purposes.

I want to commend the members of the committee for their sensitivity to these issues, and urge the adoption of my amendments.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to my good friend from New Jersey, the chairman of the subcommittee, Mr. ROE.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, at the outset I would like to thank the gentleman for his enormous contribution that he has made over the years to our public works efforts, particularly in the areas of wildlife and mitigation, and the work he has done throughout the country, and all the legislation that he has handled.

Mr. Chairman, I think the career of the gentleman speaks well to protecting the environment and the quality of life here in America.

So that is one reason, above and beyond everything else, that I think, as a member of this committee, I would certainly accept your amendment, as being of extraordinary increased value to our legislation.

But there is a second reason I would recommend to our committee that they would accept your outstanding amendment, and that is because I understand it is your birthday today.

Mr. Chairman, on this side of the aisle we have no objection whatever to the amendments of the gentleman from Massachusetts.

Mr. CONTE. I want to thank the gentleman from New Jersey for his gracious remarks.

I would like to make one correction: My birthday is actually on Saturday. We are celebrating it tonight because the House is in session, and I hope that the gentleman from New Jersey and my other colleagues will be able to attend.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I would be glad to yield to the gentleman from Minnesota, the ranking minority member on the subcommittee.

Mr. STANGELAND. Happy birthday. As a birthday present, I will say that we will accept your amendments on this side of the aisle as well.

Mr. CONTE. I thank the gentleman very much. You are very kind.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts [Mr. CONTE].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. RALPH M. HALL

Mr. RALPH M. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered By Mr. Ralph M. Hall: Page 211, line 5, insert "(a)" after "751.".

Page 211, line 21, strike out "For" and all that follows through the period on line 21 and insert in lieu thereof the following: "For that portion of the water storage reserved for users in the State of Texas, the Secretary shall contract, in increments as needed, for 50,000 acre-feet with the Greater Texoma Utility Authority and 100,000 acre-feet with other qualified individuals, entities, or water utility systems. Nothing in the preceding sentence shall supersede any requirement of State law with respect to the use of any water".

Mr. RALPH M. HALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be

considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RALPH M. HALL. I thank the Chairman.

Mr. Chairman, under section 751, the Dennison Dam, better known as Lake Texoma, has an allocation. The State of Oklahoma and the State of Texas got together and received 300,000 acre feet allocation divided evenly, pursuant to an agreement.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. RALPH M. HALL. I yield to the gentleman from New Jersey.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, again we have reviewed this amendment. I know that our colleague, Mr. WATKINS, is also interested in this amendment. We have reviewed it for sufficiency and what it achieves. We have no objection to the amendment of the gentleman; it makes a contribution to and improves our bill.

Mr. RALPH M. HALL. I thank the Chairman, and I thank the gentleman for his work on this bill.

Mr. Chairman, I yield back the balance of my time.

□ 1445

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. RALPH M. HALL).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title VII of the bill?

If not, the clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—WATER SUPPLY

SUBTITLE A—LOAN PROGRAM

SEC. 801. This subtitle may be cited as the "Water Supply Rehabilitation and Conservation Act of 1985".

SEC. 802. The Congress hereby finds that—

(1) many water supply systems are in deterioration and that authority has not been granted to any Federal water development agency to assist many existing municipal and industrial water supply systems;

(2) certain regions of the Nation are facing serious water supply problems and large quantities of water are being wasted as a result of aging and deteriorating water supply and distribution facilities;

(3) modernizing existing water supply systems is an important part of any effort to rejuvenate the Nation's older cities and remove impediments to economic growth;

(4) many water supply systems have experienced difficulty in obtaining capital necessary to accomplish repairs, rehabilitations, expansions, and improvements required for efficient and reliable operation;

(5) in light of historic and continuing Federal involvement in meeting many other water supply needs, there is a national need to rehabilitate and upgrade existing water supply systems;

(6) in all regions of the country and in all circumstances in which the Federal Government is involved in providing water supply, it is essential to promote water conservation; and

(7) encouraging the use of low-flow devices in new construction, improving metering and rate schedules and leak detection programs, and adopting other water conservation methods saves water and energy.

SEC. 803. For purposes of this subtitle—

(1) The term "expansion", as used with respect to a water supply system, means the installation of water supply facilities necessary to increase the service capability or efficiency of the water supply system.

(2) The term "improvement", as used with respect to a water supply system, means any activity other than rehabilitation designed to improve service reliability or efficiency of the water supply system.

(3) The term "rehabilitation", as used with respect to a water supply system, means the repair or replacement of components or facilities required to restore service reliability or efficiency of the water supply system.

(4) The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(5) The term "water supply system" means the facilities used in the production and pumping of water for consumption (including, but not limited to, water storage, desalination, and other collection and purification techniques), water treatment facilities (other than sewage treatment facilities), and the water distribution and conveyance facilities used to provide water for municipal and industrial purposes.

SEC. 804. (a) Subject to the provisions of this subtitle, the Secretary may make loans to—

(1) any department, agency, or instrumentality of one or more State or local governments which operates a water supply system, and

(2) any person who operates a water supply system the rates and services of which are subject to regulation by a department, agency, or instrumentality of a State government,

for the purpose of repair, rehabilitation, expansion, or improvement of such system.

(b)(1) Subject to the provisions of section 810, the amount of any loan under this subtitle shall not exceed 80 per centum of the cost of the project for which the loan is made. Such costs shall include, but not be limited to, the costs of (A) engineering, (B) design, and (C) acquisition of water rights, lands, easements, and rights-of-way, necessary to carry out the project.

(2) The Secretary may not lend under this subtitle in any fiscal year (A) more than $40,000,000 to any operator of a water supply system, and (B) more than $80,000,000 for water supply projects in any State.

(c) No loan may be made under this subtitle for any purpose not related to water supply or water conservation.

(d) No loan may be made under this subtitle for the purpose of acquisition by a supplier of water of any other supplier of water serving a population of more than 1,000 persons.

(e) No loan may be made under this subtitle for any project which is intended solely to increase the number of persons served by a water supply system.

(f)(1) For the purpose of securing consideration and approval of loans under this subtitle, not later than 180 days after the date of enactment of this Act, and not later than January 15 of each year thereafter, the Secretary shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate (hereinafter in this subsection referred to as "the committees") a list of any applications for loans fulfilling all requirements for loans under this subtitle, a detailed summary of all such applications, and a recommendation of approval or disapproval for a loan for each such application. Not later than 270 days after the date of enactment of this Act, and not later than May 15 of each year thereafter, the committees shall adopt a resolution listing those loans, if any, approved under this subtitle. Except for loans authorized by section 813 of this Act, no appropriation shall be made for any loan under this subtitle if the application for such loan has not been approved by such resolution adopted by the committees.

(2) Any loan approved and authorized for appropriations pursuant to the provisions of paragraph (1) of this subsection shall not be authorized after the 5-year period beginning on the date of approval of such loan by the committees unless during such period funds have been obligated for such loan under this subtitle.

SEC. 805. (a) Any operator of a water supply system seeking a loan under this subtitle shall submit an application to the Secretary for such loan in such form and manner as the Secretary may require by regulation. Each such application shall be accompanied by a payment of one percent of the amount of the loan requested in such application (but in no event more than $10,000).

(b) Any application for a loan under this subtitle shall include, among other things (1) a detailed plan and estimated cost of the project for which the loan is applied, (2) a showing (A) that the applicant holds or can acquire all lands and interests in land (except public and other lands and interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by the Secretary) and rights to the use of water pursuant to applicable State law necessary for the successful completion, operation, and maintenance of the project, and (B) that the applicant is ready, willing, and able to finance the portion of the cost of the project which will not be covered by the loan, and (3) a showing of the improvements the proposed project will make in supplying water for domestic, commercial, and industrial purposes, as well as public purposes including fire protection and recreation.

(c) The Secretary may only make loans under this subtitle with respect to projects which the Secretary determines are technologically feasible and which constitute a reasonable financial risk.

(d) In making loans under this subtitle, the Secretary shall give priority to those water supply systems which are polluted, contaminated, or threatened with pollution or contamination, to such an extent that they present a potential danger to human health.

SEC. 806. Upon approval or disapproval of a loan application under this subtitle by the Secretary, the Secretary shall pay the applicant the amount by which the payment made by such applicant under section 805(a) with respect to such application exceeds the

cost incurred by the Secretary in processing such application.

SEC. 807. (a) The Secretary may only make loans under this subtitle to an operator of a water supply system if the Secretary determines that, before completion of the proposed project, the operator will, to the best of the operator's ability, implement a model water conservation program or a water conservation program, suitable to local conditions, which is equivalent to a model water conservation program.

(b) For purposes of this section, the term "model water conservation program" includes the following:

(1) Encouraging each community served by the water supply system to establish plumbing codes which promote water conservation in new construction.

(2) To the extent feasible and appropriate, utilizing water meters which promote water conservation.

(3) Establishing water rate schedules which encourage water conservation.

(4) Providing a comprehensive leak detection and repair program for water supply systems.

(5) Making public information available on home and business water conservation techniques and benefits.

(6) Developing a drought contingency plan.

SEC. 808. The Secretary shall enter into an agreement with each person to whom a loan is to be made under this subtitle. Subject to the provisions of section 810, such agreement shall include the following terms, among others:

(1) The maximum amount of the loan to be made and the time and method of making funds available under the loan.

(2) An interest rate for the loan determined in accordance with section 301(b) of the Water Supply Act of 1958 (72 Stat. 319; Public Law 85-500).

(3) Computation of interest in accordance with such section 301(b).

(4) A repayment period and a plan of repayment of the sums lent and interest determined in accordance with such section 301(b).

(5) Such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan and interest, including a provision that the operator of the water supply system shall maintain adequate rates in order to be reasonably expected to meet its obligations under the agreement and to maintain, repair, and rehabilitate the project for which the loan is made.

SEC. 809. Amounts paid with submission of loan applications under section 805(a) and amounts of loans (including interest accruing on such loans) repaid under this subtitle shall be deposited in the general fund of the Treasury.

SEC. 810. The Secretary may increase the maximum percentage of the cost of a project for which a loan may be made under this subtitle if the project for which the loan is made will serve a remote rural area or if the Secretary determines that such increase is appropriate for economic reasons.

SEC. 811. The Secretary shall issue such regulations and carry out such actions as may be necessary to carry out the objectives of this subtitle, except that the Secretary may not provide planning, design, or construction-related services to applicants for loans under this subtitle.

SEC. 812. There is authorized to be appropriated to carry out this subtitle $800,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989, and such sums as may be necessary for each fiscal year thereafter.

SEC. 813. The following water supply projects are authorized to receive loans under this subtitle:

(1) Treatment, conveyance, distribution, and pumping facilities for Buffalo, New York, at an estimated cost of $20,000,000.

(2) Treatment, conveyance, distribution, and pumping facilities for Berlin, New Hampshire, at an estimated cost of $10,000,000.

(3) Treatment, conveyance, distribution, and pumping facilities for Rochester, New Hampshire, at an estimated cost of $10,000,000.

(4) Treatment, conveyance, distribution, pumping, and storage facilities for the Islands of Saint Thomas, Saint Croix, and Saint John, Virgin Islands, at an estimated cost of $35,000,000.

(5) Conveyance, distribution, pumping, and storage facilities for Dupage County, Illinois (Dupage County Commission), at an estimated cost of $280,000,000.

(6) Conveyance facilities (Third Water Tunnel, First Stage) for New York City, at an estimated cost of $220,000,000.

(7) Treatment, conveyance, distribution, pumping, and storage facilities for Fort Smith and Van Buren, Arkansas, at an estimated cost of $25,000,000.

(8) Treatment, conveyance, distribution, production, pumping, and storage facilities for American Samoa, at an estimated cost of $20,000,000.

(9) Treatment, pumping, and conveyance facilities for William H. Harsha Lake, Ohio River Basin, Ohio, at an estimated cost of $18,400,000.

(10) Treatment, conveyance, distribution, and pumping facilities for Totowa, New Jersey (Passaic Valley Water Commission), at an estimated cost of $25,000,000.

(11) Conveyance, pumping, and distribution facilities for Jersey City, New Jersey, at an estimated cost of $15,000,000.

(12) Treatment, conveyance, pumping, distribution, production, and storage facilities for Rockaway Township, New Jersey, at an estimated cost of $10,000,000.

(13) Treatment, conveyance, pumping, distribution, production, and storage facilities for Falmouth, Kentucky, at an estimated cost of $2,500,000.

(14) Treatment, distribution, pumping, and storage facilities for the Borough of Ford City, Pennsylvania, at an estimated cost of $1,600,000.

(15) Treatment, conveyance, distribution, pumping, and storage facilities for Tucson, Arizona, at an estimated cost of $50,000,000.

(16) Conveyance, pumping, and distribution facilities for Boston, Massachusetts, at an estimated cost of $86,000,000.

(17) Conveyance, pumping, distribution, and storage facilities for Cook County, Illinois (Northwest Suburban Municipal Joint Action Water Agency), at an estimated cost of $124,400,000.

(18) Treatment, conveyance, pumping, distribution, production, and storage facilities for Brockton, Massachusetts, at an estimated cost of $9,500,000.

(19) Treatment, conveyance, pumping, distribution, production, and storage facilities for Hesperia, California, at an estimated cost of $32,000,000.

(20) Treatment, conveyance, distribution, and pumping facilities for Philadelphia, Pennsylvania, at an estimated cost of $66,000,000.

(21) Intake, pumping, and distribution facilities for Huntington, West Virginia, at an estimated cost of $2,400,000.

(22) Treatment, conveyance, distribution, and pumping facilities for Grand Haven, Michigan, at an estimated cost of $6,900,000.

(23) Treatment, conveyance, pumping, distribution, production, and storage facilities for Battle Creek, Michigan, including identification and development of alternative sources of water and necessary relocation of wells, at an estimated cost of $3,000,000.

(24) Storage facilities consisting of a water tank in Tafuna, Tualauta County, Western Tutuila Island, American Samoa, at an estimated cost of $450,000.

(25) Storage facilities consisting of a water tank in the Village of Leona, Lealataua County, Western Tutuila Island, American Samoa, at an estimated cost of $425,000.

(26) Treatment, conveyance, pumping, distribution, and storage facilities for the Beccaria-Houtzdale area, Pennsylvania, at an estimated cost of $2,000,000.

(27) Conveyance, pumping, distribution, and storage facilities for the community of Blue Creek, Ohio (Northwest Water System, Inc.), at an estimated cost of $2,200,000.

(28) Treatment, conveyance, pumping, distribution, production, and storage facilities for Morris County, New Jersey (Morris County Municipal Utilities Authority), at an estimated cost of $26,300,000.

(29) Treatment, conveyance, pumping, distribution, and production facilities for Johnstown, Pennsylvania, at an estimated cost of $5,500,000.

(30) Treatment, conveyance, distribution, and pumping facilities for East Hazelcrest, Illinois, at an estimated cost of $350,000.

SEC. 814. Section 401(d) of the Act entitled "An Act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes" (98 Stat. 1735), is amended by striking "in fiscal" and inserting in lieu thereof "effective fiscal".

SUBTITLE B—WATER SUPPLY PROJECTS

SEC. 851. (a) The Congress declares that there is a national interest in the conservation of existing water supplies and in the development of new water supplies, on an economical basis, for domestic, municipal, industrial, and other public purposes through Federal participation in the repair, rehabilitation, and improvement of water supply systems and through Federal construction of single and multiple purpose water supply projects.

(b) In carrying out a policy to encourage a more efficient use and adequate supply of water as a way to benefit municipal and industrial development, wetland preservation, fish and wildlife protection, and other national purposes, the Secretary is authorized and directed to survey, plan, and recommend to the Congress (1) projects for the repair, rehabilitation, expansion, and improvement of water supply systems (including, but not limited to, demand-reducing techniques), and (2) projects for the construction of single and multiple purpose water supply systems (including, but not limited to, storage, treatment, conveyance, and distribution facilities) needed to meet existing and anticipated future demand, consistent with the policies set forth in this section. No appropriation shall be made for any such survey if such appropriation has not been approved by resolution adopted by the Committee on Environment and Public Works of the Senate or the Committee on

Public Works and Transportation of the House of Representatives.

(c)(1) Except as provided in paragraph (2), the appropriate non-Federal interests shall provide the necessary lands, easements, and rights-of-way for any project carried out pursuant to a survey undertaken under subsection (b). If the value of the lands, easements, and rights-of-way so provided is less than 20 per centum of the cost of the project allocable to municipal and industrial water supply (including the value of such lands, easements, and rights-of-way), the non-Federal interests shall pay to the Secretary before construction of the project an amount equal to the excess of (A) the amount equal to 20 per centum of such cost, over (B) the value of such lands, easements, and rights-of-way.

(2) If the Secretary estimates before the beginning of construction of any project to which paragraph (1) applies that the value of all lands, easements, and rights-of-way required for such project will be a percentage of the cost of the project allocable to municipal and industrial water supply which is greater than 20 per centum, the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary shall be limited to the amount by which such estimated sum exceeds an amount equal to 20 per centum of the estimated cost of the project allocable to municipal and industrial water supply.

(3) An amount equal to the cost of the project allocable to municipal and industrial water supply less the value of lands, easements, and rights-of-way provided and any amount paid to the Secretary under paragraph (1) by the non-Federal interests shall be repaid to the United States over a period not to exceed fifty years, with interest determined in accordance with section 301(b) of the Water Supply Act of 1958.

(4) The Secretary may reduce the amount required to be paid under paragraph (1), and the value of lands, easements, and rights-of-way required to be provided under paragraph (2), by non-Federal interests for any project to which paragraph (1) applies if the project will serve a remote rural area or if the Secretary determines that such reduction is appropriate for economic reasons.

SEC. 852. (a) Except as provided in subsection (b), the Secretary is authorized to provide technical assistance to operators of public water supply systems for the purpose of identifying water supply problems and developing measures for repair, rehabilitation, expansion, and improvement of public water supply systems.

(b) The authority of the Secretary to provide technical assistance under subsection (a) is limited to providing technical assistance for reconnaissance reports and prefeasibility studies except in any case in which the Secretary determines that the public water supply operator cannot utilize the services of the private sector for economic or other reasons.

SEC. 853. The Secretary shall study existing water resources projects under the jurisdiction of the Secretary to determine the feasibility of utilizing such projects for water supply on an interim or permanent basis. The Secretary shall transmit a report of the results of such study, along with recommendations for the utilization of such projects for water supply, not later than two years after the date of enactment of this Act.

SEC. 854. The Secretary is authorized to design and construct a treatment plant and a regional conveyance system of water from Lake Arcadia to Edmund, Oklahoma, at an estimated cost of $19,000,000. The Secretary shall acquire and provide to the non-Federal interests the necessary lands, easements, and rights-of-way for the project. The non-Federal interests shall pay to the Secretary, before construction of the project, an amount equal to 20 per centum of the cost of such project (including the value of such lands, easements, and rights-of-way). The non-Federal interests shall repay the remainder of the costs of the project to the Secretary in accordance with the Water Supply Act of 1958, except that the interest rate shall be the applicable rate under the existing water supply contract, signed by the Secretary on November 13, 1979, and numbered DACW 56-79-C-0072.

SEC. 855. The Secretary is authorized and directed to construct treatment facilities and conveyance facilities to treat and convey water from Parker Lake to municipalities and rural water systems within the jurisdiction of the RedArk Development Authority in the State of Oklahoma, at a cost not to exceed $88,636,000. Subsection (c) of section 851 shall apply to such project.

SEC. 856. (a) The project for the Caesar Creek, Ohio River Basin, Ohio, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1217), is hereby modified to authorize and direct the Secretary to construct a public water supply system in accordance with the document entitled "Southwest Ohio Water Plan", prepared by the Ohio Department of Natural Resources (April 1976), with such modifications as the Chief of Engineers deems advisable, at an estimated cost of $66,000,000.

(b) Prior to the construction of the water supply system pursuant to subsection (a) of this section, the Secretary shall enter into an agreement with appropriate non-Federal interests which provides that (1) such non-Federal interests will provide the Secretary with the lands, easements, and rights-of-way necessary for the Secretary to construct such water supply system, (2) after such construction is completed, all right, title, and interest of the United States, in such water supply system shall be conveyed to such non-Federal interests who shall thereafter operate and maintain such water supply system, and (3) the costs of construction shall be repaid to the Federal Government over a period of fifty years after completion of construction of the water supply system. The first annual payment shall be a minimum of 0.1 per centum of the total amount to be repaid. The annual payments shall be increased by 0.1 per centum each year until the tenth year at which time the payment shall be 1 per centum of the total principal amount to be repaid. Subsequent annual payments for the balance of forty years shall be one-fortieth of the balance remaining after the tenth annual payment (including interest over such fifty-year period at the rate specified in section 301(b) of the Water Supply Act of 1958).

SEC. 857. The Secretary, in cooperation with the States and political subdivisions thereof, shall make a detailed estimate of needed repair, rehabilitation, and construction of water supply and distribution facilities for municipal and industrial uses and the costs thereof in all of the States and of needed repair, rehabilitation, and construction of water supply and distribution facilities for municipal and industrial uses and the costs thereof in each of the States. The Secretary shall not include in this estimate any needed repair, rehabilitation, and construction of water supply and distribution facilities constructed in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory and supplementary thereto). In preparing such detailed estimate, the Secretary shall utilize information provided by the States. The Secretary shall transmit such detailed estimate to Congress not later than two years after the date of enactment of this Act.

The CHAIRMAN. Are there amendments to title VIII of the bill?

If not, the Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—NAMINGS

SEC. 901. The reservoir created by dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Winthrop Rockefeller Reservoir". Any law, regulation, document, or record of the United States in which such reservoir is referred to shall be held to refer to such reservoir as the "Winthrop Rockefeller Reservoir".

SEC. 902. Lock and dam numbered 4 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Emmett Sanders Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Emmett Sanders Lock and Dam".

SEC. 903. Lock and dam numbered 3 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Joe Hardin Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Joe Hardin Lock and Dam".

SEC. 904. Lock and dam numbered 13 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "James W. Trimble Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "James W. Trimble Lock and Dam".

SEC. 905. Lock and dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Arthur V. Ormond Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Arthur V. Ormond Lock and Dam".

SEC. 906. The harbor located in Elmwood Township, Leelanau County, Michigan, and authorized as the Grand Traverse Bay by section 101 of the River and Harbor Act of 1948 (62 Stat. 1173) shall hereafter be known and designated as the "Greilickville

Harbor". Any reference in a law, map, regulation, document, record, or other paper of the United States to that harbor shall be deemed to be a reference to the "Greilickville Harbor".

SEC. 907. The harbor of the Port of Hickman on the Mississippi River at Hickman, Kentucky, shall hereafter be known and designated as the "Elvis Stahr Harbor, Port of Hickman". Any law, regulation, document, or record of the United States in which such harbor is referred to shall be held to refer to such harbor as the "Elvis Stahr Harbor, Port of Hickman".

SEC. 908. Dam numbered 2 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Wilbur D. Mills Dam". Any law, regulation, document, or record of the United States in which such dam is referred to shall be held to refer to such dam as the "Wilbur D. Mills Dam".

SEC. 909. The China Bluff access area which is being constructed by the Army Corps of Engineers as part of the Gainesville lock and dam portion of the Tennessee-Tombigbee Waterway project and which is located near Warsaw in Sumter County, Alabama, shall hereafter be known as the "S. W. Taylor Memorial Park". Any reference in any law, map, regulation, document, or other record of the United States to the China Bluff access area shall be held to be a reference to the "S. W. Taylor Memorial Park".

SEC. 910. The main channel of the project for San Leandro Marina, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on June 22, 1971, and by the Committee on Public Works of the Senate on December 15, 1970, shall hereafter be known and designated as the "Jack D. Maltester Channel". Any law, regulation, document, or record of the United States in which such channel is referred to shall be held to refer to such channel as the "Jack D. Maltester Channel".

SEC. 911. The visitor center at the powerhouse at the Richard B. Russell Dam and Lake project, South Carolina and Georgia, shall hereafter be known and designated as the "Peyton S. Hawes Visitor Center". Any reference in any law, map, regulation, document, record, or other paper of the United States to such visitor center shall be deemed to be a reference to the "Peyton S. Hawes Visitor Center".

SEC. 912. Calion Lock and Dam located on the Ouachita River near Calion, Arkansas, shall hereafter be known and designated as the "H. K. Thatcher Lock and Dam". Any reference in a law, map, regulation, document, record, or other paper of the United States to such lock and dam shall be held to be a reference to the "H. K. Thatcher Lock and Dam".

SEC. 913. The lock and dam on the Tombigbee River in Pickensville, Alabama, commonly known as the Aliceville Lock and Dam, and the visitor center to be constructed for the Tennessee-Tombigbee waterway in Pickensville, Alabama, shall hereafter be known as the "Tom Bevill Lock and Dam" and the "Tom Bevill Visitor Center", respectively. Any reference in a law, map, regulation, document, or paper of the United States to such lock and dam and any reference in a law, map, regulation, document, or paper of the United States to such visitor center shall be held to be a reference to the "Tom Bevill Lock and Dam" and the "Tom Bevill Visitor Center", respectively.

SEC. 914. The Lowndesville Recreation Area, located within the Richard B. Russell Dam and Lake project, South Carolina and Georgia, shall hereafter be known and designated as the "Jim Rampey Recreation Area". Any reference in any law, map, regulation, document, record, or other paper of the United States to such recreation area shall be deemed to be a reference to such area as the "Jim Rampey Recreation Area".

SEC. 915. (a) The visitors center described in subsection (b) shall hereafter be known and designated as the "J. E. Carnahan Visitors Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to such visitors center shall be held to be a reference to the "J. E. Carnahan Visitors Center".

(b) The visitors center referred to in subsection (a) is the visitors center that—

(1) is located on State Road 73 at Caesar Creek Lake in the State of Ohio; and

(2) was constructed and is maintained under the general authorization of section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1216).

The CHAIRMAN. Are there amendments to title IX?

If not, the Clerk will designate title X.

The text of title X is as follows:

TITLE X—PROJECT DEAUTHORIZATIONS

SEC. 1001. The following projects, with a total estimated authorized cost of $11.1 billion, are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

ALABAMA

The project for flood control, Alabama River, Montgomery, Alabama, authorized by the Flood Control Act of 1958.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Wills Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Crooked Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Hatchet Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Little River Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Mill Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Terrapin Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Waxahatchee Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Weogufka Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Yellowleaf Creek, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Canoe Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

ALASKA

The project for navigation, Myers Chuck Harbor, Alaska, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The jetty extension feature of the project for navigation, Nome Harbor, Alaska, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress.

The project for navigation, Skagway River, Alaska, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, and section 10 of the Flood Control Act of 1946, except the 6,700 foot training dike and the 1,800-foot breakwater.

ARKANSAS

The project for flood control, Crooked Creek Lake Levee, Arkansas, authorized by the Flood Control Act of 1968.

The Gillette New Levee feature of the project for flood control, Lower Arkansas River, North Bank, Arkansas, authorized by the Flood Control Act of May 15, 1928, Public Law 391, Seventieth Congress; the Flood Control Act of June 22, 1936, Public Law 738, Seventh-fourth Congress; and the Flood Control Act of 1946.

The project for flood control, Murfreesboro Reservoir, Pike County, Arkansas, authorized by the Flood Control Act of 1950.

CALIFORNIA

The project for flood control, Alhambra Creek, California, authorized by the Flood Control Act of 1968.

The Aliso Creek Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Bear River, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works and Transportation of the House of Representatives, dated September 23, 1976, and resolution of the Committee on Environment and Public Works of the Senate, dated October 1, 1976.

The project for flood control, Butler Valley Dam, Mad River, California, authorized by the Flood Control Act of 1968.

The project for flood control, Eel River, California, authorized by the Flood Control Act of 1965, except for the completed levees on the right bank of the Eel River in the Sandy Prairie area.

The Sierra Madre Wash feature of the project for flood control, Los Angeles County Drain Area, California, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The barrier groin and sandtrap feature of the project for navigation, Monterey Harbor, California, authorized by the River

and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Napa River Basin, California, authorized by the Flood Control Act of 1965.

The features of the project for navigation, Napa River, California, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress, which features consist of construction of dikes and revetments.

That portion of the project for navigation, Old River, San Joaquin County, California, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, consisting of a side channel at Orwood and completion of the project channels from the mouth of Old River to Lammers Ferry road and from Crocker Cut to the Holly Sugar Factory.

The San Juan Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The Trabuco Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, University Wash and Spring Brook, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated June 22, 1971.

The shallow-draft channel, Colusa to Red Bluff, feature of the project for navigation, Sacramento River, California, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress.

Those features of the project for navigation, San Joaquin River, Stockton Deepwater Ship Channel, California, authorized by the River and Harbor Act of 1950, which features consist of construction of a new turning basin near Rough and Ready Island; enlargement of Upper Stockton Channel; construction of a 30-foot depth Burns Cut-off Channel around Rough and Ready Island, including construction of a combination rail and highway bridge; and construction of a new settling basin on San Joaquin River upstream from its confluence with Stockton Channel.

COLORADO

The project for flood control, Boulder, Colorado, authorized by the Flood Control Act of 1950.

The project for flood control, Castlewood Lake, Douglas County, Colorado, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

CONNECTICUT

The features of the project for navigation, Bridgeport Harbor-Black Rock Harbor, Connecticut, authorized by the River and Harbor Act of 1958, which features provide for construction of two rubble-mound breakwaters at the entrance to Black Rock Harbor and dredging a 28-acre anchorage 6 feet deep in Burr and Cedar Creeks at the head of Black Rock Harbor.

The project for navigation, Connecticut River below Hartford, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Mystic River, New London County Channel, Connecticut, authorized by the River and Harbor Act of March 4, 1913, Public Law 429, Sixty-second Congress, which provides for the widening of the channel extending 4,700 feet from the United States Route 1 drawbridge to the Mystic Seaport site from its constructed width of 80 to 90 feet to a width of 100 feet.

The Walnut Beach and impermeable groins features of the project for beach erosion control, Silver Beach to Cedar Beach, Connecticut, authorized by the River and Harbor Act of 1954.

The six-foot anchorage at northeast end of Stonington Harbor feature of the project for navigation, Stonington Harbor, New London County, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Thames River, New London County, Connecticut, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which provides for an increased channel width in the bend at Long Reach Upper Light (river mile 6.8).

The uncompleted portions of the project for navigation, New Haven Harbor, Connecticut, authorized by the River and Harbor Act of 1946, which portions consist of deepening the lower end of the Quinnipiac River Channel to 22 feet up to a point 1,000 feet above Ferry Street.

The project for navigation, New Haven Harbor, Connecticut, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The uncompleted portions of the project for navigation, Milford Harbor, Connecticut, authorized by the River and Harbor Act of June 13, 1902, and the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portions consist of a 5-acre anchorage, 10 feet deep, behind the east jetty at the east side of such jetty.

DISTRICT OF COLUMBIA

The project for flood control, Washington, D.C., and vicinity, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

FLORIDA

The Cross Bank to Key West portion of the project for navigation, Atlantic Intracoastal Waterway, Miami to Key West, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Biscayne Bay, Dade County, Florida, (Hurricane Barrier) authorized by the Act of June 15, 1955, Public Law 71, Eighty-fourth Congress.

That portion of the project for navigation, Cedar Keys Harbor, Levy County, Florida, authorized by the River and Harbor Act of July 5, 1884, consisting of the excavation of 1,500 cubic yards from an area known as the "middle ground" within the alignment of the main ship channel.

The Sebastian Channel feature of the project for navigation, Intracoastal Waterway, Jacksonville to Miami, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

Those portions of the project for navigation, Jacksonville Harbor Mooring Basin, Naval, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consisting of a channel 28 feet deep by 590 feet wide extending from Laura Street to Saint Elmo W., Acosta Bridge; a channel and floodway along the south side of Commodore Point; and an approach and mooring basin at the Naval Reserve Armory near the Main Street bridge.

That portion of the project for navigation, Key West Harbor, Monroe County, Florida, authorized by the River and Harbor Act of September 19, 1890, consisting of two uncompleted jetties at the entrance to the northwest channel.

The uncompleted portions of the project for navigation, Miami Harbor, Miami River, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consist of widening the mouth of the Miami River; providing a channel 8 feet by 20 feet from the mouth of the river to the Intracoastal Waterway, thence 100 feet wide to Government Cut; and providing a channel 12 feet by 100 feet from Miami to a harbor of refuge in Palmer Lake.

The Stuart turning basin feature of the project for navigation, Okeechobee Waterway, Martin County, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Oklawaha River, Florida, authorized by the River and Harbor Act of March 2, 1907, consisting of a channel 6 feet deep from the mouth of the river to the head of Silver Springs Run.

That portion of the project for navigation, Palm Beach Harbor, Florida, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, consisting of a channel 16 feet deep and 150 feet wide from the Palm Beach Harbor Channel to an anchorage basin 16 feet deep, 750 feet wide, and 2,000 feet long in Lake Worth opposite Tangier Avenue.

The project for beach erosion control, Lake Worth Inlet to South Lake Worth Inlet, Palm Beach County, Florida, authorized by the River and Harbor Act of 1958, except the transfer plant.

The Carrabelle to St. Marks portion of the Gulf Intracoastal Waterway, Apalachicola Bay to Saint Marks River, Florida, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress; the Act of July 23, 1942 (Public Law 675, Seventy-seventh Congress); and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The modification of the project for navigation, Pensacola Harbor, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Saint Augustine Harbor, Florida, authorized by the River and Harbor Act of 1950, which portion consists of the uncompleted future landward extension of the groin and jetty on the northside of the inlet.

That portion of the project for navigation, Tampa Harbor, Florida, authorized by the Flood Control Act of 1970, which portion consists of the last incremental one-foot depth for underkeel clearance.

GEORGIA

The project for hydroelectric power, Alabama-Coosa River Basin, Canton Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Cartecay Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Gilmer Lake, Georgia, authorized by the River and

Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Kingston Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Lazer Creek Lake, Georgia, authorized by the Flood Control Act of 1965.

The project for hydroelectric power, Lower Auchumpkee Creek Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

The project for hydroelectric power, Spewrell Bluff Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

HAWAII

The project for navigation, Ala Wai Harbor, Oahu, Hawaii, authorized by the River and Harbor Act of 1968.

The project for beach erosion control, Hanapepe Bay Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

The project for navigation, Kaunakakai Deep Draft Harbor, Molokai, Hawaii, (modification) authorized by the River and Harbor Act of 1962.

The project for beach erosion control, Waimea Beach Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

IDAHO

The project for flood control, Mud Lake Area, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, South Fork, Clearwater River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Teton River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Blackfoot Reservoir, Idaho, authorized by Flood Control Act of 1962.

The project for flood control, Boise Valley, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Cottonwood Creek Dam, Idaho, authorized by Flood Control Act of 1966.

The project for flood control, Heise-Roberts Levee Extension, Idaho, authorized by Flood Control Act of 1950, except for constructed levees along the left bank of the Snake River downstream from the mouth of Henry's Fork.

The project for flood control, Weiser River, Idaho, authorized by Flood Control Act of 1950.

The projcct for flood control, Whitebird Creek, Idaho, authorized by Flood Control Act of 1950.

ILLINOIS

The project for navigation, Chicago River, Cook County, Illinois, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The improvements to the beartraps feature of the project for navigation, Dam 43, Ohio River, Illinois, authorized by the River and Harbor Act of March 3, 1909, Public Law 317, Sixtieth Congress.

The project for flood control, Farmers Drainage and Levee District, Illinois, authorized by Flood Control Act of 1962.

The project for flood control, Freeport, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The feature of the Illinois Waterway Navigation project, Illinois, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of straightening a curve in the channel in the vicinity of Pekin, Illinois.

That portion of the project for shore protection, Kenilworth, Illinois, Shore of Lake Michigan, Illinois, authorized by the River and Harbor Act of 1954, which portion consists of protection of the Mahoney Park 200-foot long beach frontage located at the extreme south end of the village limits by constructing a steel sheet piling impermeable groin, about 200 feet long near the south lines of Mahoney Park.

The project for flood control, Levee Unit 1, Wabash River, Gallatin County, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Levees District Numbered 21, Vandalia, Illinois, authorized by the Flood Control Act of 1958.

The project for flood control, Little Calumet River, Illinois, authorized by the Flood Control Act of 1954.

The project for flood control, Metropolis, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

That portion of the project for navigation, Mississippi River between Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress, which portion consists of construction of about 600 feet of guidewall extensions each at locks numbered 4, 5, 5A, 7, 8, 9, and 10.

The project for navigation, Ohio River Open Channel, Louis District, Illinois, authorized by the River and Harbor Act of March 2, 1827.

The project for navigation, Ohio River Open Channel, Ice Pier, Illinois, authorized by the River and Harbor Act of January 21, 1927.

The project for navigation, Ohio River Open Channel, Illinois, authorized by the River and Harbor Act of July 3, 1930.

The project for flood control, Peoria, Peoria County Levees, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Shawneetown, Gallatin County Levee Enlargement, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Scott County Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, South Beloit, Illinois, authorized by the Flood Control Act of 1948.

The project for navigation, Waukegan Harbor, Illinois, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 17, 1970, and resolution of the Committee on Public Works of the Senate, dated December 8, 1970.

The project for flood control, William L. Springer Lake, Illinois, authorized by the Flood Control Act of 1962.

The project for navigation, Alton Commercial Harbor, Illinois, authorized by the River and Harbor Act of 1958.

The project for flood control, Keach Drainage and Levee District, Green County, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Big Swan Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Fort Chartres and Ivy Landing Drainage District Numbered 5, Illinois, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated December 17, 1970.

INDIANA

The project for flood control, Anderson, Madison County, Indiana, Earth Levee, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Illinois Waterway, Cal-Sag Channel, Part 2, Indiana, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, and the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Levees between Shelby Bridge & Baums Bridge, Indiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Marion, Indiana, authorized by the Flood Control Act of 1968.

That portion of the project for flood control, Vincennes, Indiana, authorized by the Flood Control Act of 1946, which portion consists of the uncompleted downstream levee to connect with high ground southeast of the city.

IOWA

The project for flood control, Davids Creek Lake, Iowa, authorized by the Flood Control Act of 1968.

The project for navigation, Fort Madison Harbor, Iowa, authorized by the River and Harbor Act of 1968.

The project for navigation, Keokuk Small Boat Harbor, Iowa, authorized by the River and Harbor Act of 1962.

The project for flood control, Missouri Levee System (units L-753, L-747, L-739, L-733, L-729, L-728, L-715, L-700, L-691, L-670, L-651, L-650, L-643, L-637, L-528), Iowa, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

KANSAS

The project for flood control, El Dorado, West Branch, Walnut River, Butler County, Kansas, authorized by the Flood Control Act of 1965.

The project for flood control, Garnett Lake, Pottawatomie Creek, Kansas, authorized by the Flood Control Act of 1954.

The project for flood control, Grove Lake, Kansas, authorized by the Flood Control Act of 1962.

The project for flood control, Indian Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for navigation, Kansas River Navigation, Kansas, authorized by the River and Harbor Act of 1965.

The project for flood control, Missouri River Levee System, Kansas, (units R402 and R395-393) authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The project for flood control, Neodesha Lake, Wilson County, Verdigris River, Kansas, authorized by the Flood Control

Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The project for flood control, Tomahawk Lake, Blue River, Johnson County, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Towanda Lake, Kansas, authorized by the Flood Control Act of 1965.

The modification to the project for flood control, Tuttle Creek Lake, Kansas, authorized by section 18 of the Water Resources Development Act of 1974, which modification consists of relocation of a portion of FAS 1208.

The project for flood control, Wolf-Coffee Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Cedar Point Lake, Kansas, authorized by the Flood Control Act of 1950.

The project for flood control, Cow Creek-Hutchison, Kansas, authorized by the Flood Control Act of 1962.

The project for flood control, Missouri River Levee System Levee R414, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

KENTUCKY

The project for flood control, Caseyville, Union County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Cloverport, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Concordia, Meade County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The section A-A portion of the floodwall of the project for flood control, Louisville, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Middlesboro, Yellow Creek, Bell County, Kentucky, authorized by the Flood Control Act of December 22, 1944, Public Law 534, Seventy-eighth Congress.

The project for flood control, Tolu, Crittenden County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

LOUISIANA

The project for flood control, Black Bayou, Reservoir, Caddo Parish, Louisiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Overton-Red River Waterway above Mile 31, Louisiana, authorized by the River and Harbor Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

A portion of the project for navigation, Bayou La Fourche, Louisiana, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which portion consists of a 6-foot deep by 60-foot wide channel, 22 miles in length from Thibodaux to Lockport, Louisiana.

MAINE

That portion of the project for navigation, Bar Harbor, Maine, authorized by the River and Harbor Act of August 11, 1888, and the River and Harbor Act of September 19, 1890, which portion consists of completing the breakwater to its fully authorized cross-section.

The Dickey-Lincoln School project, Saint John River, Maine, authorized by section 204 of the Flood Control Act of 1965.

That portion of the project for navigation, Kennebec River, Maine, authorized by the River and Harbor Act of June 13, 1902, which portion consists of the 27-foot channel above the bridge at Bath, Maine.

That portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 29, 1956, Public Law 630, Eighty-fourth Congress, which portion consists of an 18-foot access channel, 100 feet wide and 900 feet long to the shipyard along southern waterfront, and uncompleted portions of the outer limits of three branch channels along the central waterfront.

MARYLAND

The feature of the project for navigation, Baltimore Harbor and channels, Maryland, authorized by the River and Harbor Acts of August 8, 1917, January 21, 1927, July 3, 1930, October 17, 1940, March 2, 1945, July 3, 1958, and December 31, 1970, which feature consists of a navigation channel 150 feet wide to Ferry Bar and thence 27 feet deep and 150 feet wide to the Hanover Street Bridge.

MASSACHUSETTS

The project for navigation, Edgartown Harbor, Massachusetts, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on December 15, 1970, and by the Committee on Public Works of the Senate on December 19, 1970.

The feature of the project for navigation, Fall River Harbor Channel, Massachusetts, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of rock removal to a depth of 30 feet at the lower end of Hog Island Shoal at the north side of the entrance to Mount Hope Bay.

The project for navigation, Ipswich River, Massachusetts, authorized by the Flood Control Act of 1968.

The feature of the project for navigation, Nantucket Harbor of Refuge Anchorage, Massachusetts, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of 15-foot deep anchorage, 2,800 feet long by 300 to 1,100 feet wide near the west side of the inner harbor, and a 15-foot deep fairway 200 feet wide between the anchorage and the main waterfront.

The project for navigation, New Bedford and Fairhaven Harbor, Bristol County, Massachusetts, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress.

The feature of the project for navigation, Newburyport Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening the entrance channel from 12 to 15 feet and deepening the turning basin along the Newburyport waterfront from 9 to 12 feet.

The Nookagee Lake feature of the project for flood control, North Nashua River, Massachusetts, authorized by the Flood Control Act of 1968, which feature consists of a multiple-purpose earthfill dam and reservoir on the North Nashua River in Westminster, Massachusetts.

The project for navigation, Pleasant Bay, Massachusetts, authorized by the Flood Control Act of 1970.

The feature of the project for navigation, Salem Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening to 10 feet a channel from deep water in the central part of Salem Harbor to Pickering Wharf near the South River.

The uncompleted groin feature of the project for beach erosion control, Winthrop Beach, Massachusetts, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of 1954, which feature consists of enlarging the turning basin to include the easterly 300 feet of the municipal channel.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of deepening from 22 to 25 feet a 2.7-mile channel from Bass Point to and including a turning basin at the head of Lynn Harbor.

The project for flood control, Monoosnoc Brook, Massachusetts, authorized by the River and Harbor Act of 1966.

The project for flood control, Monoosnoc Lake, Worcester County, Massachusetts, authorized by the River and Harbor Act of November 7, 1966.

The feature of the project for beach erosion control, Cape Cod Canal to Provincetown, Massachusetts (Town Neck Beach), authorized by the River and Harbor Act of 1960 which feature consists of widening approximately 6,500 feet of beach east of the eastern entrance to Cape Cod Canal to 125 feet and raising the inshore end of the existing east jetty at the east entrance to such Canal.

MICHIGAN

The project for navigation, Forestville Harbor, Michigan, authorized by the River and Harbor Act of 1968.

The project for navigation, Middle Channel, Saint Clair River, Michigan, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Red Run Drain, Lower Clinton River, Michigan, authorized by the Flood Control Act of 1970.

The uncompleted portion of the project for navigation, Grand Marais Harbor, Michigan, authorized by the River and Harbor Act of June 14, 1880, which portion consists of widening the inner portion of the channel from 250 to 300 feet.

The uncompleted portion of the project for navigation, Keweenaw Waterway, Houghton County, Michigan, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress, which portion consists of extending the lower entrance breakwater by 2,000 feet, including the necessary alteration or replacement of structures due to channel deepening.

The turning basin feature of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by the River and Harbor Act of 1962.

The Sanilac Flats feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for major drainage improvements on Middle Branch and South Branch, Cross River, and a short reach of East Branch.

The Corunna feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958,

which feature provides for flood protection by channel improvement, levee construction, and related work including construction of a 1,500 foot levee on the right bank; widening of two constrictive reaches of the Saginaw River at, and downstream of, the mill dam; enlargement of the spillway capacity of the mill dam; and removal of the remains of an abandoned railway bridge at the tile plant.

The Owosso feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides flood protection by enlarging the river channel from the Ann Arbor Railroad Bridge to the city sewage treatment plant, removal of a portion of a building which encroaches on the river channel, removal of four dams and underpinning of the Main Street Bridge, and the provision of scour protection of four bridges.

The project for beach erosion control, Berrien County, Michigan (Saint Joseph Shore), authorized by the Flood Control Act of 1958.

The feature of the project for navigation, Alpena Harbor, Michigan, authorized by the River and Harbor Act of 1965, which feature consists of the proposed turning basin and breakwater reconfiguration.

MINNESOTA

The project for flood control, Warroad River and Bull Dog Creek, Minnesota, authorized by the Flood Control Act of 1962.

The feature of the navigation project for the Mississippi River between the Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, which feature consists of extension of the upper guidewall about 600 feet in length at lock numbered 3.

MISSISSIPPI

The project for navigation, Biloxi Harbor, Old Fort Bayou, Mississippi, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Buffalo River, Mississippi, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Pascagoula Harbor, Main Channel, Mississippi, authorized by the River and Harbor Act of March 2, 1827.

MISSOURI

The project for recreation, Angler Use Sites, Missouri, authorized by the Flood Control Act of 1966.

The project for flood control, Braymer Lake Shoal Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Brookfield Lake, Yellow Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, East Muddy Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mercer Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mississippi River Agricultural Area 12, Missouri, authorized by the Flood Control Act of 1966.

The project for flood control, Pattonsburg Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for hydroelectric power, Pomme de Terre Lake (Power Project), Missouri, authorized by the Flood Control Act of 1954.

The project for navigation, Sandy Slough Remedial Measures, Missouri, authorized by the River and Harbor Act of 1962.

The project for flood control, Trenton Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Upper Grand River, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mill Creek Lake, Missouri, authorized by the Flood Control Act of 1970.

NEBRASKA

The project for flood control, Little Nemaha River, Nemaha County, Nebraska, authorized by the Flood Control Act of 1965.

NEVADA

The project for flood control, Gleason Creek Dam, Nevada, authorized by the Flood Control Act of 1960.

The project for flood control, Humboldt River and Tributaries, Nevada, authorized by the Flood Control Act of 1950.

NEW JERSEY

The feature of the project for navigation, Newark Bay, Hackensack and Passaic Rivers, New Jersey, authorized by the River and Harbor Act of 1954 and by the River and Harbor Act of 1966 which feature consists of deepening of portions of the Hackensack River to 32 and 15 feet.

NEW YORK

The project for flood control, Allegany, New York, Unit 2, Five Mile Creek, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for flood control, Allegany, New York, Unit 1, Allegheny River, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for navigation, Hudson River, New York City to Albany (12-foot harbors), New York, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The project for navigation, Hudson River, New York City to Albany (27-foot channel), New York, authorized by the Act of March 3, 1925, Public Law 585, Sixty-eighth Congress.

The project for navigation, Ogdensburg Harbor, New York, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress.

The project for flood control, Red Creek, New York, authorized by the Flood Control Act of 1966.

The uncompleted portion of the project for navigation, Ticonderoga River, Essex County, New York, authorized by the River and Harbor Act of March 3, 1881.

The project for navigation, Cape Vincent Harbor, New York, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, East Chester Creek, New York, authorized by the River and Harbor Act of 1950.

The project for hurricane protection, East Rockaway Inlet to Rockaway Inlet, Part 2, New York, authorized by the Flood Control Act of 1965.

The project for flood protection, Hammondsport, Glen Brook (Glen Brook Flume), New York, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

NORTH CAROLINA

The feature of the project for navigation, Atlantic Intracoastal Waterway—Peltier Creek, Carteret County, North Carolina, authorized by the River and Harbor Act of 1954, which feature includes a 12-foot channel. Maintenance of the existing 6-foot deep by 50-foot wide channel shall remain authorized.

The project for navigation, Atlantic Intracoastal Waterway Tidal Lock in Snows Cut, North Carolina, authorized by the River and Harbor Act of January 21, 1927, Public Law 560, Seventieth Congress.

The unconstructed portion of the project for flood control, Carolina Beach and Vicinity, South Area, North Carolina, authorized by the Flood Control Act of 1962, which portion extends south of the town limits of Carolina Beach.

The feature of the project for beach erosion control, Fort Macon State Park, North Carolina, authorized by the River and Harbor Act of 1962 and the Flood Control Act of 1962, which feature includes placing of capstone and remaining portions of beach fill and replenishment thereof.

The feature of the project for navigation, Morehead City Harbor, North Carolina, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

The project for beach stabilization and hurricane protection, Ocracoke Island, North Carolina, authorized by the Flood Control Act of 1965.

The project for beach stabilization and hurricane protection, Ocracoke Island-Village Shore, North Carolina, authorized by the Flood Control Act of 1965.

The feature of the project for navigation, Ocracoke Inlet Jetty, Hyde County, North Carolina, authorized by the River and Harbor Act of 1960, which feature consists of a single jetty extending from Ocracoke Island to the 20-foot depth in the Atlantic Ocean.

The portion of the project for navigation, Roanoke River, Halifax County, North Carolina, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, which portion consists of constructing a 50-mile-long channel above Palmyra Landing to Weldon, North Carolina, 5 feet deep and 50 feet wide by dredging, snagging, and regulating.

OHIO

The additional beartraps, guardwalls, and extension of guidewalls features of the project for navigation, Ohio River, Ohio, authorized by the Flood Control Act of 1937.

The project for flood control, Burlington, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Chesapeake, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Empire-Stratton, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Martins Ferry, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Powhatan Point, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Proctorville, Ohio, authorized by the Flood Control Act

of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, South Point, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Salt Creek Lake, Ohio, authorized by the Flood Control Act of 1962.

OREGON

The project for flood control, Columbia Drainage District No. 1, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Deer Island Drainage District, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Shelton Ditch, Marion County, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Umpqua River-Scholfield River, Oregon, authorized by the Flood Control Act of September 22, 1922, Public Law 362, Sixty-seventh Congress, and the Flood Control Act of 1954.

The project for flood control, Cascadia Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Gate Creek Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Grande Ronde Lake, Oregon, authorized by the Flood Control Act of 1965.

The project for flood control, Grande Ronde Valley, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Holley Lake, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Pendleton Levees, Riverside Area, Oregon, authorized by the Flood Control Act of 1950.

The uncompleted portions of the project for navigation, Willamette River above Portland and Yamill River, Oregon, authorized by the River and Harbor Act of June 3, 1896, as modified by the River and Harbor Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for navigation, Willamette River at Willamette Falls, Oregon, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

PENNSYLVANIA

The project for flood control, Brackenridge, Tarentum, and Natrona, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for navigation, Chester River, Delaware County (8-ft. channel), Pennsylvania, authorized by the River and Harbor Act of March 2, 1919, Public Law 323, Sixty-fifth Congress.

The project for flood control, Leetsdale, Allegheny County, Levee and Drainage Facility, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Muddy Creek Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Neville Island, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, New Kensington and Parnassus, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Rochester, Beaver County, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Trexler Dam and Lake, Lehigh County, Pennsylvania, authorized as part of the Delaware River Basin project pursuant to section 203 of the Flood Control Act of 1962.

The project for navigation, Youghiogheny River Canalization, Pennsylvania, authorized by the River and Harbor Act of 1930, Public Law 395, Seventy-first Congress.

The project for flood control, Aquashicola Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Maiden Creek Lake Earth Dam, Pennsylvania, authorized by the Flood Control Act of 1962.

PUERTO RICO

The project for navigation, Fajardo Harbor (28 foot Channel and Tidal Basin), Puerto Rico, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Guayanes Harbor (23 foot channel and anchorage), Puerto Rico, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

RHODE ISLAND

The features of the project for navigation, Great Salt Pond, Newport County, Rhode Island, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which features include a 1,200-foot long north jetty at the entrance to Great Salt Pond and a 12-foot access channel and basin in the inner harbor (Trim Pond).

The features of the project for navigation, Harbor of Refuge, Block Island, Rhode Island, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress, which features include two 15-foot anchorages in the outer harbor.

The portions of the project for navigation, Pawcatuck River, Washington County, Rhode Island, authorized by the River and Harbor Act of June 3, 1896, which portions include widening the middle section of the Little Narraganset Bay channel by an additional 100 feet to 200 feet, widening a 5,000 foot section of the river channel at Avondale by an additional 100 feet to 200 feet, and by deepening a 2,000 foot section of the upper river channel by an additional 3 feet to 10 feet.

The portion of the project for navigation, Providence River and Harbor, Rhode Island, authorized by the River and Harbor Act of 1965, which portion consists of the branch channel along the India Point waterfront, 30 feet deep, 150 feet wide, and about 1,000 feet long.

The project for flood control, Westerly Hurricane Protection, Rhode Island, authorized by the Flood Control Act of 1965.

SOUTH CAROLINA

The project for navigation, Charleston Harbor, Ft. Moultrie Anchorage Area, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Myrtle Beach, Anchorage Basin, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Reedy River, Greenville, South Carolina, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 1970, and resolution of the Committee on Public Works of the Senate, dated December 1970.

TENNESSEE

The project for navigation, Cumberland River above Nashville, Tennessee, authorized by the River and Harbor Act of August 5, 1886.

The project for navigation, Hiwassee River, Polk and Bradley Counties, Tennessee, authorized by the River and Harbor Act of August 14, 1876.

The project for flood control, Rossview Lake, Tennessee and Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Jacks River Lake, Tennessee, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

TEXAS

The project for flood control, Alpine, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated April 11, 1974, and resolution of the Committee on Public Works of the Senate, dated May 31, 1974.

The portion of the project for navigation, Brazos Island Habor, Texas, authorized by the River and Harbor Act of 1960, which portion consists of the north jetty extension.

The project for navigation, Brazos River, Velasco to Old Washington, Texas, authorized by the River and Harbor Act of June 13, 1902.

The project for navigation, Cedar Bayou (mile 3.0 to mile 11.0), Harris, Texas, authorized by the River and Harbor Act of September 19, 1890, as amended by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the navigation project for the Channel to Port Bolivar, Texas, authorized by the River and Harbor Act of March 2, 1907, Public Law 168, Fifty-ninth Congress, as amended by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1919, which feature consists of a turning basin of 750 wide by 1,600 feet long and 30 feet deep.

The project for flood control, Duck Creek Channel Improvement, Texas, authorized by the Flood Control Act of 1965.

The portion of the project for navigation, Gulf Intracoastal Waterway Channel to Harlingen, Texas, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portion consists of a channel from mile 25.8 to mile 31.0 on the Arroyo Colorado, upstream of the turning basin between Rio Hondo and Harlingen, Texas.

The feature of the project for navigation, Gulf Intracoastal Waterway-Chocolate Bayou, Texas, authorized by the River and Harbor Act of 1965, which feature consists of channel enlargement to 9 by 100 feet from channel mile 8.2 to channel mile 13.2 and construction of a turning basin 600 feet wide and 9 feet deep at channel mile 13.2 on Chocolate Bayou.

The portion of the project for navigation, Houston Ship Channel, Greens Bayou, Texas, authorized by the River and Harbor Act of 1965, which portion consists of the upper 1.1 mile increment of the project channel on Greens Bayou.

The portion of the project for navigation, Gulf Intracoastal Waterway, Texas, Channel Relocation in Matagorda Bay, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, as amended by the River and Harbor Act of 1925, Public Law 585, Sixty-eighth Congress, the River and Harbor Act of January 21, 1927, Public Law 560, Sixty-ninth Congress, the River and Harbor Act of July 23, 1942, Public Law 675, Seventy-seventh Congress, and the River and Harbor Act of 1962, which portion consists of the relocation of a segment of the Gulf Intracoastal Waterway in Matagorda Bay between miles 454.3 and 471.3.

The project for flood control, Lake Brownwood, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Lake Fork Lake-Lake Fork Creek, Texas, authorized by the Flood Control Act of 1970.

The project for flood control, Navasota Lake, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Pecan Bayou Lake, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Peyton Creek, Matagorda County, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolutions of the Committee on Public Works of the House of Representatives and the Committee on Public Works of the Senate, dated October 12, 1972.

The project for flood control, Plainview, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and the Committee on Public Works of the Senate, dated December 17, 1970.

The project for flood control, Roanoke Lake, Texas, authorized by the River and Harbor Act of 1965.

The portion of the project for navigation, Sabine Neches Waterway Channel to Echo, Texas, authorized by the River and Harbor Act of 1962, which portion consists of the unconstructed channel in the Sabine River between Orange and Echo, Texas.

The project for navigation, Sabine River, Echo to Morgan Bluff, Texas, authorized by the Flood Control Act of 1970.

The Dallas Floodway Extension feature of the Trinity River project for flood control, Trinity River and tributaries, Texas, authorized by the Flood Control Act of 1965.

The Liberty Local Protection feature of the project for flood control, Trinity River and tributaries, Texas, authorized by the Flood Control Act of 1965.

The portion of the project for Gulf Intracoastal Waterway-Channel to Port Mansfield, Texas, authorized by section 4 of Public Law 86-248, which consists of a small craft basin at Port Mansfield, Texas.

UTAH

The project for flood control, Weber River and Tributaries, Morgan County, Utah, authorized by section 206 of the River and Harbor Act of 1968.

VERMONT

The project for flood control, Bennington, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Otter Creek, Addison County, Vermont, authorized by the River and Harbor Act of June 10, 1872.

The project for flood control, Rutland Otter Creek, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress, as amended by the Flood Control Act of July 31, 1947, Public Law 296, Eightieth Congress.

VIRGINIA

The project for navigation, Thimble Shoal Channel, Virginia, authorized by the River and Harbor Act of 1954 consisting of side channels 32 feet deep and 450 feet wide on both sides of the 1,000-foot channel.

The project for flood control, water quality control, recreation, fish and wildlife enhancement, and hydroelectric power generation, Moore's Ferry Lake, Virginia and North Carolina, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The feature of the project for navigation, Pamunkey River, Hanover and King Counties, Virginia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of a channel 5 feet deep and 50 feet wide between Bassett Ferry and Manquin Bridge.

VIRGIN ISLANDS

The uncompleted portion of the project for navigation, Christiansted Harbor-St. Croix, Virgin Islands, authorized by the River and Harbor Act of 1950, which portion consists of an approach channel 25 feet and 300 feet wide from the Caribbean Sea to and including a turning basin 25 feet deep, approximately 600 feet wide, and 900 feet long.

The portion of the project for navigation, St. Thomas Harbor, Virgin Islands, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portion consists of construction of an entrance channel 36 feet deep and 600 feet wide, an anchorage area 33 feet deep, a breakwater 700 feet long between Rupert Rock and the mainland, and removal of Scorpion Rock to a depth of 36 feet.

WAKE ISLAND

The project for navigation, Wake Island Harbor, Wake Island, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

WASHINGTON

The project for flood control, Entiat River, Chelan County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Lower Walla Walla River, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Methow River, Okanogan County, Washington, authorized by the Flood Control Act of 1950.

The uncompleted portion of the project for flood control, Okanogan River, Okanogan, Washington, authorized by the Flood Control Act of 1950.

The unconstructed groin feature of the project for navigation, Quillayute River, Clallam County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the project for navigation, Seattle Harbor, King County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of a settling basin located at the upper end of the existing Duwamish waterway navigation project about 1.4 miles above the 14th Avenue South Bridge.

The project for flood control, Spokane River, Spokane, Washington, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Yakima River at Ellensburg, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Palouse River, Whitman County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Pullman Palouse River, Washington, authorized by the Flood Control Act of 1944.

The project for navigation, Stillaquamish River, Washington, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

WEST VIRGINIA

The project for flood control, Moundsville, Marshall County, Levees, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Panther Creek Lake, West Virginia, authorized by the Flood Control Act of 1965.

The project for flood control, Proctor, Wetzel County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Ravenswood, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Rowlesburg Lake, West Virginia, authorized by the Flood Control Act of 1965.

The project for flood control, Warwood, Ohio County, Wall and Drainage, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, North Wheeling, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling, Ohio County, Levees, Walls and Pumping Plant, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling Island, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Birch Lake, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Woodlands, Marshall County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

WISCONSIN

The project for navigation, Hudson Small Boat Harbor, Wisconsin, authorized by the Flood Control Act of 1950.

The project for navigation, Cassville Small Boat Harbor, Grant County, Wisconsin, authorized by the River and Harbor Act of 1962.

WYOMING

The project for flood control, Buffalo, Johnson County, Diversion Channel, Wyoming, authorized by the Flood Control Act of 1950.

SEC. 1002. (a) The project for navigation at Eastport Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is not authorized after the date of enactment of this Act.

(b) The Secretary shall transfer without consideration to the city of Eastport, Maine, title to any facilities and improvements con-

structed by the United States as part of the project described in subsection (a) of this section. Such transfer shall be made as soon as practicable after the date of enactment of this Act. Nothing in this section shall require the conveyance of any interest in land underlying such project title to which is held by the State of Maine.

SEC. 1003. (a) The project for flood control, Lakeport Lake, California, authorized by the Flood Control Act of 1965, is not authorized after the date of enactment of this Act.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, the Secretary shall, during the five-year period beginning on the date of enactment of this Act, make all lands acquired by the United States for the Lakeport Lake project available for purchase by the Lake County Flood and Water Conservation District at the price at which such lands were acquired by the United States. Such District may waive the right to purchase any lands under the preceding sentence at any time during such period.

(c) Any conveyance of land under subsection (b) shall be made on the condition that the Lake County Flood and Water Conservation District administer such land for flood control and related purposes. If, at any time after such conveyance, such land is not so administered, all right, title, and interest in such land shall revert to the United States which shall have immediate right of reentry thereon.

SEC. 1004. (a) The Onaga Lake project, Vermillion Creek, Kansas, authorized by the Flood Control Act of 1962 (Public Law 87-874), is not authorized after the date of enactment of this Act.

(b) The Secretary shall expedite the current study under section 216 of the Flood Control Act of 1970 with respect to the addition of water supply storage at Tuttle Creek Lake, Kansas.

SEC. 1005. (a) The portion of the flood control project for the Illinois River and tributaries, Illinois, Wisconsin, and Indiana, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189) which is to be located on the Sangamon River, Illinois, about 1 mile upstream from Decatur, Illinois, and which is known as the William L. Springer Lake project is not authorized after the date of enactment of this Act.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, before any lands acquired by the United States for the William L. Springer Lake project referred to in subsection (a) of this section are sold or otherwise disposed of or used for any purpose other than to carry out such project, such lands shall first be made available for purchase by the city of Decatur, Illinois, at the price at which such lands were acquired by the United States.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 308, after line 23, insert the following:

SEC. 1006. The project for Elk Creek Lake, Rogue River Basin, Oregon, authorized by the Flood Control Act of 1962, is not authorized after the date of the enactment of this Act.

Mr. WEAVER. Mr. Chairman, I would like to rise in support of this amendment and tell my distinguished colleague, the chairman of the subcommittee, and the ranking minority member of the subcommittee, that I believe this amendment strengthens your bill. I support your bill. I think it is a good bill. There are extremely valuable projects in this bill that I believe will enhance the strength of this country, and I commend you for it. I believe my amendment further strengthens the bill. It does not touch any provision in the bill now. I want that understood.

The Elk Creek Dam is not in this bill. It was authorized in 1962, 23 years ago, and it was authorized as part of a three-dam project. Two of those dams, Lost Creek Dam, Apple Creek Dam, have been built. They are in operation now. The third dam, Elk Creek Dam, the Corps of Engineers now says is no longer necessary. The job is being done by the two dams up there.

I would like to tell my colleagues that, for instance, the flood control situation in the Rogue River Basin is taken care of by these two dams now in operation. So, therefore, we have here a $120 million dam that is not needed. The Corps of Engineers says, "We do not want to build it."

The Oregonian, the leading newspaper of Oregon, the statewide daily, a pro-public works newspaper, has said this is the kind of overvalued and irresponsible project that gives legitimate projects a bad name.

Sentiment in Oregon has turned against the dam. Even a newspaper in the Rogue Valley, the Ashland Daily Tidings, has said, "We don't want the dam."

And so in these days of serious budget cutting, here is $120 million we can save. Actually we can save $32 million cash today on the barrelhead by deauthorizing this dam.

I want to make two things very clear to the Members, and I think these are extremely important things. First, the damsite was wholly in my district for 40 years. In 1975 I prevailed on the House to kill this dam. It was wholly in my district. Reapportionment came along a couple of years ago and drew new boundaries. Now the dam lies along the boundary of the district. It is shared by another Member and myself. But its effects, flood control and irrigation, what there is of them, are in my district. The major irrigation area is entirely in my district. The people affected are in my district. The Rogue River—and this is a dam on the Rogue River system—the Rogue River flows 200 miles from the dam to the ocean, and lies mostly in my district, for over half the distance, entirely in my district. So this dam is, in effect, in my district, although the site itself lies along the boundary.

The second point I would like to make to my colleagues is that construction has not begun. That is very important. Construction has not begun. They have been building a road, $40 million for a road that goes nowhere to nowhere, and literally nowhere to nowhere, and is money that should also be rescinded. But we are talking now about the dam itself and the deauthorization of this dam. That is the issue.

And to make sure the construction of this dam had not begun, I went during Labor Day down, and I stood at the very site of the dam, right where the dam is going to be built. I stood there, and there is not a thing done, absolutely nothing. No construction of any kind has been done. As a matter of fact, when I say I stood in the dam site, I stood right in the stream. There is something you should know about Elk Creek itself, right where the dam is. I jumped over the stream. And I am not a particularly good jumper. This is a little, tiny creek. It has no power in it, no hydroelectric power, no nothing. The Corps of Engineers says it now really does not have flood control, the irrigation project is killed. The Corps has canceled any recreational developments. The corps says it is just simply not needed. So it seems to me that in this day of budget cutting—maybe some other day we could afford to spend $120 million on a dam that did nothing, but today it seems this is the place to cut the deficit.

So when I could stand and jump over this little stream right where the dam is going to be built, is there any wonder that the Corps of Engineers does not want to build this monument to waste? Remember, I emphasize, this dam is not in this bill. This dam was authorized in 1962.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. WEAVER] has expired.

(By unanimous consent, Mr. WEAVER was allowed to proceed for 5 additional minutes.

Mr. WEAVER. I stood in the middle of this stream, actually jumped over it. It is a little creek. To dam it is inconceivable, and it is not in this bill. It was authorized in 1962 as part of a three-dam project. Two of the dams have been built. They take care of the flood control, the irrigation, the municipal water, good recreation facilities. And again I emphasize, I support this bill. This amendment strengthens an already good bill.

So we should not go ahead, mindlessly, as part of a three-dam project—and that is what has happened. It was part of a three-dam project planned 20 years ago, and we are just mindlessly going ahead and building it, if we do, without reevaluating it.

So I am going to conclude by asking my colleagues to consider themselves a board of directors of a company, and you are making products to sell, and are you going to make them at a profit? Consider the House as a board

of directors, and we are sitting as this board of directors. We have approved some very valuable projects that are going to be very helpful to us and our company, and now we have brought before us the Elk Creek Dam. So what do our accountants say? We asked our accountants to come in and give us an evaluation of the dam.

Well, the General Accounting Office has done a thorough study of Elk Creek Dam. The auditors will come in and testify to the board of directors that it is, they say, the worst project in the United States, the very worst that they have ever seen. It returns 20 cents on the dollar. It has got a cost-benefit ratio of one-fifth to one, according to the General Accounting Office auditors.

All right. Let us call in the construction division that are going to have to build it. What do they say about it? The Corps of Engineers comes in and talks to the board of directors, and they say, "We think the dam is a waste of money, we think it should not be built, we think the benefits are already there from the other two dams. We do not want it."

All rights, what about our customers, the people that this dam would serve? Sentiment has overwhelmingly changed against this dam. The newspapers in Oregon, the leading newspaper in Oregon, a newspaper in the Rogue Valley, say no, do not build the dam, it is irresponsible and overvalued. And we want to build other projects, they say. We want this money for other projects, not a waste, not a monument.

So as the board of directors, I ask my colleagues, let us not spend the money. I ask this House, vote yes on this amendment to deauthorize the Elk Creek Dam.

Mr. ROBERT F. SMITH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the board of directors I want to appeal to you, as well, regarding this issue of Elk Creek Dam. And make no mistake about it, Elk Creek Dam is in my district. If there is any question about that, I just want to refer to a letter from the Jackson County assessor, when I ask him about this question: "Mr. Weaver must not be aware of the location of the district boundary or the location of Elk Creek."

This is an authorization bill. This is not a money bill. This bill does not appropriate any money, as we all know. And I must say that the gentleman from Oregon who has just spoken is the only public elected figure in Oregon who has been vocal against Elk Creek Dam.

Now, who is supporting it? I think that is fair to offer to the board. The support comes from the Governor of Oregon, from the two U.S. Senators from Oregon, from the county governments, which include one of this gentleman's counties, county governments affected, Jackson, Josephine, and Douglas, as well as this Member of Congress, where this particular dam is to be located, as well as the nonpartisan public water policy group in the State of Oregon, which has already identified its support for Elk Creek Dam. This is, as you have heard, a three-dam project, authorized in 1962. Two of the dams have been built, Lost Creek and Applegate, and this is the third part of that triangle of dams. And the fourth part, which has already, by the way, been built, is the mitigation against the destruction of salmon, which you may hear later. The Coe River hatchery is already in place, it is functioning at full capacity and, as a result, we have had the highest salmon runs on the Rogue River in history. So do not let anybody tell you a story about how this dam is going to injure the salmon runs on the Rogue River or the salmon runs in the Northwest.

An attempt to separate this dam from the complex would be, if done, the first time in history of this country that the Congress has pulled one leg of the triumvirate of this dam project apart. It is like cutting off the leg of your best halfback and asking him to go get you 100 yards in the game, or chopping off the arm of your tennis player and asking him to go out and win a tennis match.

This brings up the question of the cost-benefit ratio, which you have heard about, alleged. Let me say to you that the dam in the complex has a cost-benefit ratio of 1.24 to 1, without separating it out. And if you consider the sunk costs, in other words, what we have spent already on the Elk Creek Dam, you will find that the cost-benefit ratio is 1.62 to 1. This Congress has acted on this issue three times in the last 2 years. The Public Works Committee has looked at it, the Appropriations Committee, the Subcommittee on Energy and Water, has approved funding for this area, and now we are being asked to separate out from an appropriation bill this very important flood control project.

Let us get back to the question of salmon. As I mentioned, we have a mitigation program that protects the salmon runs on the Rogue River.

The two other dams, Lost Creek and Applegate, were also charged with the same kind of situation, where it would destroy the salmon run and would increase the turbidity of the river.

In the face of that, the two dams have been completed. As I mentioned, the largest salmon runs in the history of Oregon, twice their normal number, came up the Rogue, the salmon season was extended, even, for a period of time, because of the huge salmon runs in that area.

□ 1500

Turbidity is another issue charged against the other two dams; it will be charged here. Let me say to you that the Oregon Water Policy Review Commission, a nonpartisan commission, has made a study and they find that the Jackson Turbidity Unit, the unit used to measure turbidity, will be at five. Five is the legal, Federal requirement for drinking water. No turbidity.

Let us talk about the GAO study. The GAO study was conducted in 1982 based upon information gathered, pulled together numbers developed in the late seventies. It is old; it is antiquated, and the numbers that are used here should not be used in the argument on this issue.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon [Mr. ROBERT F. SMITH] has expired.

(By unanimous consent, Mr. ROBERT F. SMITH was allowed to proceed for 3 additional minutes.)

Mr. ROBERT F. SMITH. I have asked the GAO to conduct a new study and they refused. There is a study involved in the bill as it is before you today, which is a good idea. But I suggest that using GAO numbers today is not proper and should not be used that way. What newspapers are approving this program?

The gentleman from Oregon noted that the leading newspaper in Oregon, the Oregonian, 300 miles to the north, by the way, this gentleman lives 200 miles to the north, 300 miles to the north, has made a statement about Elk Creek Dam. Now, if you want to side with somebody, why not side with the people who know about it in the localities and the counties. The Jackson County leading newspaper endorses it. The Josephine County leading newspaper endorses it as well as every other public official with the exception of one. I suggest if you are going to listen to the local opinion and who supports it and who does not, I think you should go to the local communities.

Members, the Public Works Committee on which I serve, was proud to serve for a period of 2 years, in this bill is authorizing a number of very, very important capital assets for the future of America. This ought to be one of them. The strength we have derived in this country is to be blessed with great natural resources and the ability and the ingenuity to harness them for the purpose of our people and for our future. Our only strength is in harnessing natural resources and providing for our future.

I ask the Members to retain this issue within this very fine bill. And I ask you to oppose the Weaver amendment which is supported by very, very few if none but one.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to the gentleman.

Mr. WEAVER. Well, the gentleman knows that a majority of Members of the Oregon delegation oppose this dam and are going to vote against it.

Mr. ROBERT F. SMITH. I question that. I think you are wrong about that. I would suggest a majority have voted for it, if you look at the last vote.

Mr. WEAVER. I have their word today that a majority of the Oregon delegation is opposed to this dam.

Mr. ROBERT F. SMITH. But see there are seven in the Oregon delegation; two in the U.S. Senate and two here; that is four out of seven who support it.

Mr. WEAVER. If the gentleman will yield further, the gentleman knows that a letter was sent to Senator MARK HATFIELD by Assistant Secretary of the Army for Civil Works, William R. Gianelli, in which he says:

> At my request, the Corps of Engineers reviewed the Elk Creek project to test its economic feasibility in light of current conditions. This review shows that the project does not have a benefit-cost ratio greater than one either as a last added element or as part of the reservoir system and thus lacks economic feasibility.

Mr. ROBERT F. SMITH. Reclaiming my time, if I may point out to the gentleman, Mr. Gianelli is in California.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of Congressman WEAVER's amendment to deauthorize the Elk Creek Dam project on the Rogue River in Oregon.

This project to construct a flood control and irrigation dam in Jackson County, OR, is unnecessary, potentially harmful to the environment, and economically unsound. The Corps of Engineers and the General Accounting Office both say that the dam isn't worth building. The Environmental Protection Agency has warned that releases from the dam would likely violate the Clean Water Act. And the administration opposes the project. At this time of concern about the budget deficit, we should stop this wasteful project and save around $100 million of Federal dollars.

The Elk Creek Dam is part of a three-dam project first authorized in 1962. The first two dams have already been built, but the third dam won't add appreciably to the system's benefits. The Portland Oregonian states that the project, "is not needed for flood control, not needed for power generation, not needed for irrigation and not needed for recreational enhancement." The project could severely damage the fishing and tourism industries along the Rogue River, part of the protected Wild and Scenic Rivers System. It could also harm the deer and elk populations in the area. Local business and environmental groups have joined forces in opposition to the project.

It is true that the dam itself would be inside of the district now represented by Representative BOB SMITH. But most of the negative impact on the Rogue River is in Representative WEAVER's district.

Since actual construction of the dam hasn't yet started, we should deauthorize the project and save millions of the taxpayers' oney. There is no reason to continue pouring millions of dollars into a project that has so little merit. The Portland Oregonian has stated, "Budget-minded national politicians have pointed to Elk Creek Dam over the years as an example of the worst kind of pork-barreling in the American West." I urge my colleagues to support the Weaver amendment and kill this wasteful, destructive, and unnecessary project.

It seems at a particularly appropriate time to do so when we are again going to be asked to vote on the Gramm-Rudman resolution. How on earth can we possibly, realistically get a handle on the Federal deficit if we are going to go on voting for turkeys like this. Here is an opportunity to strike about $100 million out of future deficits. It seems to me the gentleman from Oregon [Mr. WEAVER] ought to be given a merit badge for bringing it up instead of being opposed by Members of this House.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. I thank the gentleman for yielding to me.

Mr. Chairman, let me say as I stand here before you and as the existing condition occurs in the House of Representatives, one-half of Elk Creek Dam is now funded. One-half. Should the House of Representatives take action as recommended by Mr. WEAVER, it will be a step backward not only for my constituents in southern Oregon but for the whole idea of public works and what is proposed to be in this country.

Yes; we can sever contracts across this Nation if we want to save money. If we want to stop progress in America, we want to sever dams that are being constructed across the Nation then we will stop them all. We could save some money, but I submit to you, that even Gramm-Rudman would not be opposed to financing this dam simply because it is half funded, and the cost-benefit ratio to finish is 1.62 to 1.

Now the Appropriations Committee, as I mentioned, has acted. They took action through the Energy and Water Program as well as the supplemental and as well as the Public Works Committee has reviewed this program. The GAO report again is ancient. I want to see another report; I want to see another study. The GAO report does not apply to today's numbers.

□ 1510

The Corps of Engineers' report is what you make of it and what you may see of it; it is here, it is there. If you want Mr. WEAVER's cost-benefit ratio, use it. If you want my Corps of Engineers' cost-benefit ratio, you will come up with 1.24 to 1 in one case, and with the sunk cost you will come up with 1.62 to 1.

Now, the Corps of Engineers' decision is not one that is final. It is this House of Representatives that directs what occurs in this Nation, and I urge the Members to examine this project carefully because it is a good project. It is cost-beneficial, and it does what the rest of the public works dams do in this country, it stops people from being flooded away from their homes in southern Oregon.

Mr. WEAVER. Mr. Chairman, will the gentleman yield so I may respond to the things the gentleman has just said?

Mr. EMERSON. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I thank the gentleman for yielding.

I want to make just one point among the many things said that I could contest. That is that there is not one single contract let on this dam, not a one. Absolutely, the corps is waiting for this vote in the House.

Now, the gentleman from Oregon cannot have it both ways. He argued on the appropriation bill that the money was all for a road. True, $40 million has been spent on a road from nowhere to nowhere. I mean literally it is out in the woods in Oregon, and I agree that is kind of silly. But not a penny has been spent on the dam except for land acquisition, and not a single contract has been let.

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield further?

Mr. EMERSON. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. Mr. Chairman, let me make this clear to the Members of the House who may be somewhat confused by this argument. The facts are that there has been appropriated, passed by the House and Senate, and sent to the President and signed into law not only the supplemental appropriation bill but also the energy and water bill containing the money for Elk Creek Dam. It is the law of the land, so let us not have anybody mistake the fact and say that there has not been one dime expended. There has been $24 million sunk already and, as well, $33 million signed by the President into law. So again we

are going to take a step back and eliminate a project that is half completed, half funded.

Mr. EMERSON. Mr. Chairman, I yield back the balance of my time.

Mr. STANGELAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Oregon, Mr. WEAVER. There are many reasons why this amendment should be rejected.

The project which Mr. WEAVER wants to delete would allow for the construction of a dam, a gated concrete spillway and an intake tower to control water quality. As part of a three-dam system, Elk Creek would provide flood control, water supply, water quality control, fish and wildlife enhancement, recreation and irrigation.

Work on Elk Creek was stopped after the State of Oregon withdrew its support in 1975. It is important to note, however, that this position changed. After extensive review, evaluation, and a public hearing, the State water policy review board reversed its position and supported Elk Creek.

The gentleman from Oregon now wants to reverse this decision once again. He would also treat Elk Creek as a separate project. Let me remind Members that our water resources omnibus bill makes numerous changes in the program of water resources development policy. A key to this approach is that authorized projects, especially those already under construction—like Elk Creek—should be treated as they were initially and not reevaluated under constantly changing procedures.

We have already made substantial, justifiable investments in the Elk Creek project. Up to September 30, 1984, $11.9 million had been appropriated. For fiscal year 1985, the regular appropriation was $10 million. It is important to note that the fiscal year 1985 Energy and Water Development Appropriation Act provides specific appropriations and statutory directions for the corps to proceed with Elk Creek's construction. In addition, the fiscal year 1985 supplemental appropriation and the fiscal year 1986 regular appropriation provide $33 million for dam construction. The entire project is well under way. In fact, $18.2 million have already been spent. We should resist the temptation of stopping what we've already started.

Elk Creek is one portion of the overall Rogue River project. It should not be treated as a separate project because it is an integral part of the system. Attempts to piecemeal this or other projects are very harmful to the need for a comprehensive approach to solving water resources problems. We should respect this approach.

There is another important reason to reject this amendment. The Elk Creek project is in another Member's district. The gentleman offering the amendment may have represented this area in the past, but he does not do so now. Therefore, we should deal with this project as the Member representing the area desires. The provision in H.R. 6 is one which the other Member has recommended.

For these reasons, I urge all my colleagues to reject the amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would hope that this House would support the Weaver amendment.

So far the arguments against the Weaver amendment have been, first, that it was offered by a gentleman against this project which is outside his own district. We were then read a letter by the Assistant Secretary to the Army that said that this project had no economic feasibility, and we are told we should not consider that because the letter is signed by a gentleman from California.

We are told that we should not listen to the Oregonian newspaper because they are 300 miles to the north. But nobody has addressed the issue that has been raised by the Weaver amendment, and that is simply this: That we have billions of dollars in construction in this country waiting. There are hundreds of millions of dollars of construction that is immediately waiting, and at some point we have to pick and choose our priorities, whether it is in the Bureau of Reclamation or in the Corps of Engineers. And here we have a project seeking to come to the forefront, seeking to be funded by the appropriations process and be continued under this authorization process that simply does not merit our continued support.

The strongest argument that has been made on this floor is that somehow we should not stop what we started. I say to the Members that is how we end up spending hundreds of millions, if not billions of dollars, on boondoggles, and that is exactly what we have here. We have a project that started out to provide flood control M&I, water supply, irrigation water, all of which has been disavowed.

And let me tell the Members as the chairman of the authorization committee for the Bureau of Reclamation that it is a rare moment when the Bureau of Reclamation finds a project they do not want to sponsor. It is a rare moment when the Secretary of the Army and the Corps of Engineers find a project that they think has no economic feasibility. Do you know how bad a project has to be before the Corps of Engineers will disavow it? It has got to be horrible, because we have sat here during the 10 years that I have been in Congress and approved project after project where we had bad benefits, phony benefits, phony audits, and we continued them all.

Rarely in those instances will the corps come forward and say that this is a bad project, but that is exactly what they have done in this case when they have been asked to review this project. It is a rare moment when Members of this House can get up and stop a $120 million mistake in its tracks.

There has been planning money spent and design money spent, but there is not construction money. I happened to vote with the gentleman who is opposing this amendment during the appropriation process because there were suggestions that this project was well under way. In fact, that is not the case at all.

So we do no damage here. The damage we will do is to the public treasury should Members commit us on this course to build a $120 million project. For those Members who are afraid to look at other Members' projects lest their projects come under the same kind of scrutiny, let me just say that I think the Oregonian hit it on the head. It is these kinds of projects that give public works a bad name. It is these kinds of boondoggles that make it so difficult for those of us who are concerned about water development and about the development and enhancement of this resource in the West and elsewhere in this country. That is what destroys the credibility of public works because Congress apparently is unable to draw the distinctions between old dinosaurs and boondoggles and those which are relevant to today's setting and will enhance the infrastructure of this country.

Mr. Chairman, I would ask that the members of this committee support the Weaver amendment. It is good economics, it is good planning, it is very, very good policy, and it will mean that projects of greater merit will have an opportunity to be funded.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding.

I want to emphasize one point. The gentleman from Oregon who is seated here said that there were no contracts that had been let for this $32 million. The other gentleman from Oregon said that the $32 million has been appropriated. Both are accurate. The $32 million has been appropriated, but no contracts have yet obligated that $32 million, which means very simply that if we pass this amendment, we get the $32 million back.

The fact that it is appropriated does not automatically spend any of it. Had contracts been signed obligating the

$32 million, we would then be in a position where we could not get it back, but the fact that it has been appropriated does not in any way mean in this case that it is beyond salvage because no contracts have been signed.

□ 1520

I think the gentleman from California, who speaks with great expertise in the water field, ought to be listened to. We are in a position now whichever alternative passes in deficit reduction, $100 million here comes out of $100 million somewhere else. It is not necessarily that things are outrageous projects that have to be turned down. We are in, if we all take ourselves seriously, a new era in which we are giving a very tight limitation on money and we are checking one thing against another. This one seems clearly to me to fail the test.

But I want to emphasize that if we vote for this amendment, we save $32 million right away.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. I would just like to respond to the gentleman from Massachusetts' remarks.

That is very clear. I sit on the Budget Committee. I know what happened when we went through this account on the Budget Committee. I am chairman of the authorizing committee on the Bureau of Reclamation, and I watched what happened in the Corps of Engineers, and I can tell you it is going to happen again if any of the scenarios we have laid out before us now come to pass in this Congress in the next few days.

We gave up hundreds of millions of dollars. There is not room in those budgets for these kinds of projects, because there are projects that are valid, that are necessary, that are urgently needed in different areas of this country, but what we have now is we have projects with a few politically powerful sponsors that crown out the ability of anything else to be funded. And we gave up in the Bureau budget and we gave up in the corps budget an awful lot of budget authority. We are going to go back to that and you are going to have this kind of project sitting there and using up resources when they cannot be justified in any way, shape or form.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(At the request of Mr. WEAVER, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I thank the gentleman for yielding and for his good comments.

Mr. Chairman, I just want to conclude by saying to my chairman that I support his bill. It has extremely valuable projects in it. This amendment will strengthen the bill. It takes out a worthless project and gives the money to those things that are important.

And one final thing as to whether the dam is started or not. Only a few weeks ago I stood right on the dam site. Not a thing has been done.

Mr. MILLER. Did the gentleman get wet?

Mr. WEAVER. Not a contract has been let.

But I was about to jump over this little stream, jump over it, where the dam would be built. That is why the corps thinks it should not be built.

Mr. MILLER. Mr. Chairman, I would hope that the committee would support the Weaver amendment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as a member of the Public Works Committee, I, too, was a part of deauthorizing some $11 billion of projects in this Nation and at the beginning of the work that is culminating here today on a very excellent H.R. 6 2 years ago. But not one time do I recall that there was ever a project deauthorized over the objection of the person in that particular district. It did not occur. It did not happen.

For the life of me, I cannot understand why one small district in America, in southern Oregon, is getting all the attention from California, Massachusetts, and Ohio to do the same things that public works projects do for the people in Massachusetts, Ohio, and California, and that is to protect their citizens against floods and disasters.

This is part of a three-dam program to provide flood control to stop disasters in southern Oregon. Why would all of these people suddenly find—and I guarantee you I suspect not one has been to southern Oregon, not one knows the exact whereabouts of this particular dam and not one knows the consequences of the drastic flooding that has occurred along the Rogue River in the past.

I am asking what we are going to give to Ohio, Massachusetts, and California for southern Oregon, no more and no less.

Mr. CALLAHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. WEAVER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SNYDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 220, answered "present" 1, not voting 13, as follows:

[Roll No. 395]

AYES—200

Ackerman	Ford (TN)	Obey
Alexander	Frank	Olin
Andrews	Frenzel	Owens
Annunzio	Fuqua	Pease
Anthony	Garcia	Porter
Archer	Gejdenson	Ray
Armey	Gephardt	Reid
Aspin	Gibbons	Richardson
AuCoin	Glickman	Ritter
Barnes	Gonzalez	Roemer
Bartlett	Gradison	Rose
Barton	Gray (PA)	Roybal
Bates	Green	Russo
Bedell	Gregg	Sabo
Beilenson	Hall (OH)	Savage
Berman	Hamilton	Schneider
Biaggi	Hatcher	Schroeder
Bilirakis	Hayes	Schumer
Boehlert	Hefner	Seiberling
Boland	Heftel	Sharp
Bonior (MI)	Henry	Shelby
Bonker	Hertel	Sikorski
Borski	Hiler	Skelton
Bosco	Hughes	Slattery
Boxer	Jacobs	Smith (FL)
Brooks	Jeffords	Smith, Robert (NH)
Brown (CA)	Jenkins	Snowe
Broyhill	Johnson	Solarz
Bruce	Jones (NC)	Spratt
Bryant	Jones (OK)	Stallings
Burton (CA)	Jones (TN)	Stark
Bustamante	Kaptur	Stenholm
Carper	Kastenmeier	Stokes
Carr	Kennelly	Stratton
Chapman	Kildee	Studds
Coats	Kleczka	Sweeney
Cobey	Kostmayer	Swift
Coelho	Lantos	Swindall
Coleman (TX)	Leach (IA)	Synar
Collins	Lehman (CA)	Tallon
Conyers	Leland	Tauke
Cooper	Levin (MI)	Torres
Crockett	Levine (CA)	Traxler
Daniel	Lowry (WA)	Udall
Darden	Lundine	Vento
Dellums	MacKay	Visclosky
Derrick	Markey	Volkmer
Dixon	Martinez	Walgren
Dornan (CA)	Matsui	Walker
Downey	McCloskey	Waxman
Dreier	McCollum	Weaver
Durbin	McCurdy	Weber
Dymally	McKernan	Weiss
Early	McKinney	Wheat
Eckart (OH)	Meyers	Whitehurst
Edgar	Miller (CA)	Whitley
Edwards (CA)	Miller (WA)	Williams
English	Mineta	Wirth
Erdreich	Mitchell	Wise
Evans (IL)	Moakley	Wolpe
Fascell	Moody	Wright
Fawell	Morrison (CT)	Wyden
Feighan	Mrazek	Yates
Fish	Murphy	Yatron
Flippo	Neal	Young (MO)
Foglietta	Oakar	Zschau
Foley	Oberstar	

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Akaka	Barnard	Bevill
Anderson	Bateman	Bliley
Applegate	Bennett	Boggs
Atkins	Bentley	Boner (TN)
Badham	Bereuter	Boucher

Boulter	Hubbard	Pepper
Breaux	Huckaby	Perkins
Broomfield	Hunter	Petri
Brown (CO)	Hutto	Pickle
Burton (IN)	Hyde	Price
Byron	Ireland	Pursell
Callahan	Kanjorski	Quillen
Campbell	Kasich	Rahall
Carney	Kemp	Rangel
Chandler	Kindness	Regula
Chappell	Kolbe	Ridge
Chappie	Kolter	Rinaldo
Cheney	Kramer	Roberts
Clinger	LaFalce	Robinson
Coble	Lagomarsino	Rodino
Coleman (MO)	Latta	Roe
Combest	Leath (TX)	Rogers
Conte	Lehman (FL)	Rostenkowski
Coughlin	Lent	Roth
Courter	Lewis (CA)	Roukema
Coyne	Lewis (FL)	Rowland (CT)
Craig	Lightfoot	Rowland (GA)
Daschle	Lipinski	Rudd
Daub	Livingston	Saxton
Davis	Lloyd	Schaefer
de la Garza	Long	Scheuer
DeLay	Lott	Schuette
DeWine	Lowery (CA)	Sensenbrenner
Dickinson	Lujan	Shaw
Dicks	Luken	Shumway
DioGuardi	Lungren	Shuster
Donnelly	Mack	Siljander
Dorgan (ND)	Madigan	Sisisky
Dowdy	Manton	Skeen
Duncan	Marlenee	Slaughter
Dwyer	Martin (IL)	Smith (IA)
Dyson	Martin (NY)	Smith (NE)
Edwards (OK)	Mazzoli	Smith (NJ)
Emerson	McCain	Smith, Denny (OR)
Fazio	McCandless	Smith, Robert (OR)
Fiedler	McDade	Snyder
Fields	McEwen	Solomon
Florio	McGrath	Spence
Ford (MI)	McHugh	St Germain
Franklin	McMillan	Stangeland
Frost	Mica	Strang
Gallo	Michel	Stump
Gaydos	Mikulski	Sundquist
Gekas	Miller (OH)	Tauzin
Gilman	Molinari	Taylor
Gingrich	Mollohan	Thomas (CA)
Goodling	Monson	Thomas (GA)
Gordon	Montgomery	Torricelli
Gray (IL)	Moore	Towns
Grotberg	Moorhead	Traficant
Guarini	Morrison (WA)	Valentine
Gunderson	Murtha	Vander Jagt
Hall, Ralph	Myers	Vucanovich
Hammerschmidt	Natcher	Watkins
Hansen	Nichols	Whittaker
Hartnett	Nielson	Whitten
Hawkins	Nowak	Wilson
Hendon	O'Brien	Wolf
Hillis	Ortiz	Wortley
Holt	Oxley	Wylie
Hopkins	Packard	Young (AK)
Horton	Parris	Young (FL)
Howard	Pashayan	
Hoyer	Penny	

ANSWERED "PRESENT"—1

Schulze

NOT VOTING—13

Addabbo	Eckert (NY)	Nelson
Clay	Evans (IA)	Panetta
Crane	Fowler	Staggers
Dannemeyer	Loeffler	
Dingell	Mavroules	

□ 1535

Mr. DASCHLE and Mr. SCHEUER changed their votes from "aye" to "no."

Messrs. CROCKETT, ARMEY, WEBER, DREIER of California, VOLKMER, WHITLEY, HEFNER, and GONZALEZ changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1545

Mr. ROE. Mr. Chairman, we find we have made a technical error in title I. I ask unanimous consent to revert back to title I so that I may offer a corrective amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: Page 12, after line 2, insert the following:

FRESH KILLS IN CARTERET, NEW JERSEY

The project for navigation, Fresh Kills in Carteret, New Jersey, which project consists of extending the Arthur Kill Channel at a depth of 40 feet to the Fresh Kills in Carteret, New Jersey, and easing of such bends as the Secretary determines are necessary to enhance navigation, at an estimated cost of $26,000,000. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Such project shall include any modifications that may be recommended by the Secretary with respect to such project under section 103 of this Act.

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE Mr. Chairman, this is a technical error. We struck out a section in the port title on a project in New Jersey and New York which was done in error, and that is really all it amounts to. We are reinstating that language. It was a technical error.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, we have reviewed the amendment on this side and we agree that it is a technical correction. We think it ought to be done and certainly support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COLEMAN OF MISSOURI

Mr. COLEMAN of Missouri. Mr Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN of Missouri: Page 283, strike out lines 12 through 21.

Page 284, strike out lines 1 and 2.

Page 284, strike out lines 9 through 12.

Mr. COLEMAN of Missouri. Mr. Chairman, the thrust of this amendment is to retain the authorization for several water projects in the Grand River basin which I have asked the Chairman to reinstate.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I certainly yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we have reviewed this amendment in title X. The gentleman has three dam authorizations that were stricken, and we have no objection on this side.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Minnesota.

Mr. STANGELAND. I thank the gentleman for yielding. I, too, have reviewed the amendment. We had deauthorized projects that now Missouri and the gentleman wish to have reauthorized, and we approve of the gentleman's amendment.

Mr. COLEMAN of Missouri. I thank the gentleman and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COLEMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEATH OF TEXAS

Mr. LEATH of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEATH of Texas: Page 299, strike out lines 3 and 4.

Mr. LEATH of Texas. Mr. Chairman, my amendment to title X is very simple, and I will not take much of the committee's time. It strikes existing language that would deauthorize the Pecan Bayou Lake flood control project originally authorized in 1968.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I rise in support of the gentleman's amendment and I urge its adoption.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, the committee has reviewed the amendment on our side. It is a corrective amendment and we have no objection to it on our side.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Minnesota.

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Mr. STANGELAND. Mr. Chairman, we have reviewed the amendment and we certainly support the amendment.

Mr. LEATH of Texas. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. LEATH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title X?

If not, the Clerk will designate title XI.

The text of title XI is as follows:

TITLE XI—GENERAL PROVISIONS

SEC. 1101. (a) The objectives of enhancing regional economic development, the quality of the total environment (including its protection and improvement), the well-being of the people of the United States, the prevention of loss of life, preservation of cultural and historical values, and national economic development shall be the objectives to be included in water resources projects carried out by the Secretary, and the benefits and costs attributable to such objectives, both quantifiable and unquantifiable, shall be included in the evaluation of the benefits and costs of such projects.

(b) Notwithstanding any other provision of law, for purposes of analyzing in accordance with the first section of the Flood Control Act of June 22, 1936 (49 Stat. 1570; 33 U.S.C. 701a), the costs and benefits of a water resources project which includes any element which provides flood protection to any distressed low-income area, as determined by the Secretary, the benefits to be derived from carrying out such element shall be deemed to exceed the costs of carrying out such element.

SEC. 1102. (a) In the case of any water resources study authorized to be undertaken by the Secretary, the Secretary shall prepare a feasibility report. Such feasibility report shall describe, with reasonable certainty, the environmental benefits and detriments, the costs and benefits attributable to each of the objectives set forth in section 1101 of this title, the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. The feasibility report shall also include the views of other Federal agencies and non-Federal agencies with regard to the recommended plan, a description of a nonstructural alternative to the recommended plan when such plan does not have significant nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. This subsection shall not apply to (1) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act, (2) any study for a project which project is authorized by this Act, and (3) any study for a project which is authorized under any of the following sections: section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(b) Before preparing any feasibility report under subsection (a), the Secretary shall first perform, at full Federal expense, a reconnaissance survey of the potential water resources project for the purpose of defining water resources problems and needs to be addressed by such project and identifying potential solutions to such problems in sufficient detail to enable the Secretary to determine whether or not planning of such project should proceed to the preparation of such feasibility report. Such survey shall include a preliminary analysis of the Federal interest, costs, benefits, and environmental impacts of such project and an estimate of the costs of preparing the feasibility report.

(c)(1) Non-Federal interests shall contribute 50 percent of the cost of any feasibility report for any water resources study prepared by the Secretary or the Secretary of the Interior during the period of such study. Not less than one-half of such non-Federal contribution shall be made by payments, and not more than one-half of such contribution may be made by the provision of services, materials, or supplies necessary to prepare the feasibility report. Any amount contributed by non-Federal interests under this paragraph shall be credited toward the non-Federal share, if any, of the cost of construction of the project for which such report is prepared.

(2) This subsection shall only apply to any water resources study for which no Federal funds have been obligated before the date of enactment of this Act. This subsection shall not apply to any water resources study for any navigation improvement to the inland waterway system.

SEC. 1103. In the evaluation by the Secretary of benefits and costs of a water resources project, the benefits attributable to measures included in a project for the purpose of environmental quality, including protection and improvement of the environment, mitigation of project-caused fish and wildlife losses (including habitat), and fish and wildlife enhancement shall be deemed to be at least equal to the costs of such measures.

SEC. 1104. There is established an Environmental Protection and Mitigation Fund. There is authorized to be appropriated to such fund $35,000,000 for fiscal years beginning after September 30, 1985. Amounts in the fund shall be available for undertaking, in advance of construction of any water resources project authorized to be constructed by the Secretary, such measures authorized as part of such project, including the acquisition of lands and interests therein, as may be necessary to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated. The Secretary shall reimburse the Fund for any amounts expended under this section for a water resources project from the first appropriations made for construction, including planning and designing, of such project.

SEC. 1105. (a) The Secretary, in coordination with the Secretary of the Interior and in consultation with appropriate Federal, State, and local agencies, is authorized to study the water resources needs of river basins and regions of the United States. The Secretaries shall report the results of such study to Congress not later than October 1, 1987.

(b) In carrying out the studies authorized under subsection (a) of this section, the Secretaries shall consult with State, interstate, and local governmental entities.

SEC. 1106. (a) The Secretary may establish and develop separate campgrounds for individuals sixty-two years of age or older at any lake or reservoir under the jurisdiction of the Secretary where camping is permitted.

(b) The Secretary may prescribe regulations to control the use of and the access to any separate campground established and developed under subsection (a) of this section.

(c) There are authorized to be appropriated such sums as may be necessary for fiscal years beginning after September 30, 1985, to carry out subsection (a) of this section.

(d) The Secretary shall establish and develop the parcel of land (located in the State of Texas at the Sam Rayburn Dam and Reservoir) described in subsection (g) of this section as a separate campground for individuals sixty-two years of age or older.

(e) The Secretary shall prescribe regulations to control the use of and the access to the separate campground established and developed pursuant to subsection (d) of this section.

(f) There are authorized to be appropriated for fiscal years beginning after September 30, 1985, $600,000 to carry out subsection (d) of this section.

(g) The parcel of land to be established and developed as a separate campground pursuant to subsection (d) of this section is a tract of land of approximately 50 acres which is located in the county of Angelina in the State of Texas and which is part of the Thomas Hanks survey. The boundary of the parcel begins at a point at the corner furthest west of tract numbered 3420 of the Sam Rayburn Dam and Reservoir:

thence north 81 degrees 30 minutes east, approximately 2,800 feet to a point at the edge of the water;

thence south along the edge of the water approximately 2,600 feet;

thence north 80 degrees 30 minutes west, approximately 1,960 feet to a point at the reentrant corner of tract numbered 3419 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3419 north 46 degrees 15 minutes west, 220 feet to a point at the center line of a road at the corner common to tract numbered 3419 and tract numbered 3420;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 230 feet to a point at the corner furthest east of tract numbered 3424 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3424 south 32 degrees 4 minutes west, 420 feet to a point;

thence along the boundary line of tract numbered 3424 north 28 degrees 34 minutes west, 170 feet to a point;

thence along the boundary line of tract numbered 3424 north 38 degrees 15 minutes east, 248 feet to a point;

thence along the boundary line of tract numbered 3424 north 32 degrees 44 minutes east, 120 feet to a point at the corner furthest north of tract numbered 3424;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 460 feet to the beginning point.

SEC. 1107. Section 2(h) of the Act entitled "An Act to deauthorize several projects within the jurisdiction of the Army Corps of Engineers" (Public Law 97-128) is amended to read as follows:

"(h) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake, at full Federal expense, such structural and nonstructural measures as he determines to be economically and engineeringly feasible to prevent flood damage to communities along the route of the Meramec River and its tributaries in Saint Louis, Jefferson, and Franklin Counties (including the community of Pacific, Missouri), Missouri, at an estimated cost of $100,000,000. Such structural measures shall not include the construction of any dam or reservoir on the Meramec River.".

SEC. 1108. Section 111 of the River and Harbor Act of 1968 is amended by inserting after "construct projects" the following: "(both structural and nonstructural)".

SEC. 1109. (a) Section 4 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (Public Law 92-367; 33 U.S.C. 467c), is amended by inserting "(a)" immediately after "SEC. 4.", and by adding at the end thereof the following new subsection:

"(b)(1) In any case where the Secretary determines that a dam inspected under this Act or under the authority of any other Federal law which is owned by a State, a political subdivision thereof, or any other such public agency or instrumentality is in such a hazardous condition that it is a danger to human life or property, the Secretary is authorized to restore such dam to a safe condition if the State, political subdivision, or other public agency or instrumentality owning such dam agrees prior to any such restoration (A) to pay 20 percent of the costs of such restoration during the period such restoration is carried out, (B) to repay to the United States, over a period not to exceed 50 years from the date of completion of the restoration, the remaining costs of such restoration, together with interest, at a rate computed in accordance with section 301(b) of the Water Supply Act of 1958, and (C) to maintain such dam upon completion of such restoration in a safe condition.

"(2) The Secretary is not authorized to carry out any of the work described in this subsection unless the State in which the work is to be accomplished has in existence and is maintaining a dam safety program for non-Federal dams which insures that non-Federal dams are built in accordance with sound engineering practice, protect the safety of the public, and are maintained in safe condition.

"(3) There are authorized to be appropriated to carry out this subsection $30,000,000 for each fiscal year beginning after September 30, 1985.".

(b) Section 3 of such Act (33 U.S.C. 467b) is amended by adding after the first sentence thereof the following new sentence: "In any case in which any hazardous conditions are found during an inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense.".

(c) The Secretary, in accordance with section 4 of such Act, as amended by subsection (a) of this section, shall repair the spillway and undertake such other measures as the Secretary determines are necessary to restore the safety of the dam used to supply water to Schuyler County Public Water Supply District Number 1, Missouri.

(d) The Secretary, in accordance with such section 4, shall make necessary repairs to the Milton Dam in Mahoning County, Ohio, in accordance with the remedial measures described in the report of the District Engineer, Pittsburgh District, entitled "Milton Dam, Mahoning County, Ohio, Investigation to Determine the Adequacy of Structural and Hydraulic Components", dated February 1980.

(e) Section 5 of such Act is amended by inserting "(a)" after "SEC. 5." and by adding at the end thereof the following new subsection:

"(b) The Secretary shall annually update the inventory of dams required to be prepared under subsection (a) and submit a report to the Congress on the results of such update. In conducting such update, the Secretary shall take into account any other review of dams which the Secretary has conducted under the authority of any other law.".

SEC. 1110. (a) Section 202(f) of the Water Resources Development Act of 1976 is amended to read as follows:

"(f) There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years beginning after September 30, 1985.".

(b) The Secretary shall develop, implement, and maintain a project under section 202 of the Water Resources Development Act of 1976 for removal of drift and debris from Buffalo Harbor, New York, and removal of dilapidated structures from the adjacent shoreline.

SEC. 1111. Lake Pend Oreille, Idaho, is hereby declared to be not a navigable water of the United States for purposes of section 10 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 403).

SEC. 1112. Section 104(b) of the River and Harbor Act of 1958, as amended, is amended by striking out "$10,000,000" and inserting in lieu thereof "$12,000,000".

SEC. 1113. Upon request of the Governor of a State, or the appropriate official of local government, the Secretary is authorized to provide designs, plans, and specifications, and such other technical assistance as he deems advisable, at Federal expense, to such State or local government for its use in carrying out projects for removing accumulated snags and other debris, and clearing and straightening channels in navigable streams and tributaries thereof.

SEC. 1114. (a) The Secretary shall undertake a program to increase his capability to control river ice and harbor ice, and to assist communities in breaking up such ice that would otherwise be likely to cause or aggravate flood or other damage or severe streambank erosion.

(b) The Secretary is further authorized to provide technical assistance to units of local government to implement local plans to control or break up river ice and harbor ice. As part of such authority, the Secretary is authorized to purchase, utilize, and, if requested by units of local government, loan any necessary ice-control or ice-break equipment to such units of local government.

(c) The Secretary shall carry out this section on a priority basis with respect to the Kankakee River in the vicinity of Wilmington, Illinois. The Secretary shall report to Congress not later than one year after the date of enactment of this Act and annually thereafter on the effectiveness of the program under this section with respect to the Kankakee River in the vicinity of Wilmington, Illinois.

(d) The sum of $5,000,000 is authorized to be appropriated to the Secretary for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, to implement this section.

SEC. 1115. The laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resource development enacted after November 8, 1966, and before January 1, 1985, shall be compiled under the direction of the Secretary of the Army and the Chief of Engineers and printed for the use of the Department of the Army.

SEC. 1116. The Secretary is authorized to preserve, restore, interpret, and maintain those historic properties located on water resource development projects under the jurisdiction of the Department of the Army if such properties have been entered into the National Register of Historic Places.

SEC. 1117. Subsection (b) of section 120 of the Water Resources Development Act of 1976 is amended to read as follows:

"(b) There is authorized to be appropriated $10,000,000 per fiscal year for each fiscal year beginning after September 30, 1985, to carry out this section.".

SEC. 1118. (a) The Secretary shall, notwithstanding any other provision of law, convey to the Metropolitan Park District of Columbus and Franklin County, Ohio, all right, title, and interest of the United States in and to all or any part of the eight hundred thirty-four and nine one-hundredths acres of land which were acquired for the Big Darby Lake flood control project and which have been determined to be surplus property. The Secretary shall convey any such right, title, and interest for consideration in an amount equal to the consideration paid by the Secretary for acquisition of such right, title, and interest for such project.

(b) The conveyance of land under subsection (a) of this section shall be made on the condition that such Park District administer such land for park purposes. If, at any time after such conveyance, such land is not so administered, all right, title, and interest in such land shall revert to the United States which shall have immediate right of reentry thereon.

SEC. 1119. Section 16(b) of the Water Resources Development Act of 1974 is amended by striking out "$1,342,000" and all that follows through the period at the end of such section and inserting in lieu thereof "$1,700,000.".

SEC. 1120. The Secretary shall maintain the navigation project for the Delaware River, Philadelphia to the sea, and the navigation project for the Delaware River, Trenton to Philadelphia, to their authorized dimensions.

SEC. 1121. (a) Whitewater recreation on the Gauley River downstream of the Summersville Lake Project in West Virginia is a project purpose of that project.

(b) During the fall flood control drawdown period for the Summersville Lake Project, the Secretary shall provide releases from the Summersville Dam for whitewater recreation in the 26 mile tailwater segment of the Gauley River commencing at the base of such dam. Such releases shall be at levels (minimum 2,400 cubic feet per second) and at times, suitable for whitewater recreation. The releases shall commence on the first weekend after Labor Day of each year. In each year there shall be releases on at least 20 days during the 6-week period beginning on Labor Day. Additional releases may be provided at other times during the fall drawdown at the discretion of the Secretary.

(c) The Secretary may temporarily suspend (for such period as may be necessary) or modify any release required under subsection (b) when necessary for purposes of flood control or any other project purpose, or for reasons of public health and safety. Except in cases of emergency, no suspension or modification of such releases may be made solely for reasons associated with the generation of hydroelectric power at the Summersville Dam.

(d) Nothing in subsection (b) of this section shall be construed to affect the authority of the Secretary regarding releases of water from the Summersville Dam for any project purpose (including the purpose set forth in subsection (a)) at any time other than during the period specified in subsection (b).

SEC. 1122. (a) To ensure the coordinated development and enhancement of the Upper Mississippi River system, it is hereby declared to be the intent of Congress to recognize that system as a nationally significant ecosystem and a nationally significant commercial navigation system. Congress further recognizes that the system provides a diversity of opportunities and experiences. The system shall be administered and regulated in recognition of its several purposes.

(b) For purposes of this section—

(1) the terms "Upper Mississippi River system" and "system" mean those river reaches having commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois;

(2) the term "master plan" means the comprehensive master plan for the management of the Upper Mississippi River system dated January 1, 1982, prepared by the Upper Mississippi River Basin Commission and submitted to Congress pursuant to Public Law 95-502; and

(3) the term "GREAT I, GREAT II, and GRRM studies" means the studies entitled "GREAT River Environmental Action Team—GREAT I—A Study of the Upper Mississippi River", dated September 1980, "GREAT River Environmental Action Team—GREAT II—A Study of the Upper Mississippi River", dated December 1980, and "GREAT River Resource Management Study", dated September 1982.

(c)(1) Congress hereby approves the master plan as a guide for future water policy on the Upper Mississippi River system.

(2) Subsection (i) of section 101 of Public Law 95-502 is repealed. Section 101(b) of such Public Law is amended by striking out the parenthetical clause in the last sentence.

(d)(1) The consent of the Congress is hereby given to the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or any two or more of such States, to enter into negotiations for agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River system, and to establish such agencies, joint or otherwise, or designate an existing multi-State entity, as they may deem desirable for making effective such agreements. Such agreements shall become final only after ratification by an Act of Congress.

(2) The Secretary is authorized to enter into cooperative agreements with the Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection to promote and facilitate active State government participation in the river system management, development, and protection.

(3) The Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection is hereby designated by Congress as the caretaker of the master plan. Any changes to the master plan recommended by the Secretary shall be submitted to such association or agency for review. Such agency or association may make such comments with respect to such recommendations as such agency or association deems appropriate and shall transmit such comments to the Secretary. The Secretary shall transmit such recommendations along with the comments of such agency or association to the Congress for approval.

(e)(1) The Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake, as identified in the master plan—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement;

(B) implementation of a long-term resource monitoring program; and

(C) implementation of a computerized inventory and analysis system.

(2) Each program referred to in paragraph (1) shall be carried out over a ten-year period beginning on the date of enactment of this Act. Before the last day of such ten-year period, the Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall conduct an evaluation of such programs and submit a report on the results of such evaluation to Congress. Such evaluation shall determine each such program's effectiveness, strengths, and weaknesses and contain recommendations for the modification and continuance or termination of such program.

(3) For purposes of carrying out paragraph (1)(A) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $8,200,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed $12,400,000 for the second fiscal year beginning after the date of enactment of this Act, and not to exceed $13,000,000 per fiscal year for each of the succeeding eight fiscal years.

(4) For purposes of carrying out paragraph (1)(B) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $7,680,000 for the first fiscal year beginning after the date of enactment of this Act and not to exceed $5,080,000 per fiscal year for each of the succeeding nine fiscal years.

(5) For purposes of carrying out paragraph (1)(C) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $40,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed $280,000 for the second fiscal year beginning after the date of enactment of this Act, not to exceed $1,220,000 for the third fiscal year beginning after the date of enactment of this Act, and not to exceed $975,000 per fiscal year for each of the succeeding seven fiscal years.

(6) The Secretary shall determine if the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin are adequately participating in the planning, construction, evaluation, and implementation of those programs authorized by paragraph (1) of this subsection during the third fiscal year after the first appropriation of funds to carry out such paragraph. If participation of the States is not adequate to allow the Secretary to carry out such paragraph, the Secretary shall submit a report to Congress asking for termination of the program's funding.

(7) None of the funds appropriated pursuant to any authorization contained in this subsection shall be considered to be chargeable to navigation.

(f)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, is authorized to implement a program of recreational projects for the system substantially in accordance with the recommendations of the GREAT I, GREAT II, and GRRM studies and the master plan reports. In addition, the Secretary shall conduct an assessment of the economic benefits generated by recreational activities in the system.

(2) For purposes of carrying out the program of recreational projects authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $500,000 per fiscal year for each of the first ten fiscal years beginning after the effective date of this Act and, for purposes of carrying out the assessment of the economic benefits of recreational activities as authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $300,000 per fiscal year for the first and second of such fiscal years and $150,000 for the third of such fiscal years.

(g) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall submit to Congress annual recommendations to be undertaken to increase the capacity of specific locks throughout the system by employing nonstructural measures and making minor structural improvements.

(h)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall monitor traffic movements on the system for the purpose of verifying lock capacity, updating traffic projections, and refining the economic evaluation so as to verify the need for future capacity expansion of the system.

(2) The Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall determine the need for river rehabilitation and environmental enhancement based on the condition of the environment, project developments, and projected environmental impacts from implementing any proposals resulting from recommendations made under subsection (g) and paragraph (1) of this subsection.

(3) There is authorized to be appropriated to the Secretary for each of the ten fiscal years beginning after the date of the enactment of this Act such sums as may be necessary to carry out this subsection.

(i)(1) The Secretary shall, as he determines feasible, dispose of dredged material from the system pursuant to the recommendations of the GREAT I, GREAT II, and GRRM studies.

(2) The Secretary shall establish and request appropriate Federal funding for a program to facilitate productive uses of dredged material. The Secretary shall work with the States which have, within their boundaries, any part of the system to identify potential users of dredged material.

(j)(1) Notwithstanding another provision of this section, the Secretary shall enter into an interagency agreement with the Sec-

retary of the Interior, with respect to projects and programs in the master plan for which the Department of the Interior (or any agency or bureau of the Department) is designated in the plan as the lead agency, under which the Secretary of the Interior will carry out all functions that the Secretary, but for this subsection, would carry out regarding those projects and programs.

(2) For purposes of carrying out the functions set forth in the agreement under paragraph (1) of this subsection, there is authorized to be appropriated such sums as may be necessary to the Secretary of the Interior for each of the first ten fiscal years beginning after the date of enactment of this Act. Amounts appropriated for any fiscal year under this paragraph shall be in lieu of, and shall not be in addition to, amounts authorized to be appropriated to the Secretary of the Army, acting through the Chief of Engineers, under this section for such fiscal year.

SEC. 1123. (a) To ensure the coordinated economic revitalization and environmental enhancement of the Great Lakes and their connecting channels and the Saint Lawrence Seaway (hereinafter in this section referred to as the "Great Lakes"), known as the "Fourth Seacoast" of the United States, it is hereby declared to be the intent of Congress to recognize the importance of the economic vitality of the Great Lakes region, the importance of exports from the region in the United States balance of trade, and the need to assure an environmentally and socially responsible navigation system for the Great Lakes. Congress finds that the Great Lakes provide a diversity of agricultural, commercial, environmental, recreational, and related opportunities based on their extensive water resources and water transportation systems.

(b)(1) There is hereby established a Board to be known as the Great Lakes Commodities Marketing Board (hereinafter in this subsection referred to as the "Board").

(2)(A) The Board shall develop a strategy to improve the capacity of the Great Lakes region to produce, market, and transport commodities in a timely manner and to maximize the efficiency and benefits of marketing products produced in the Great Lakes region and products shipped through the Great Lakes.

(B) The strategy shall address, among other things, environmental issues relating to transportation on the Great Lakes and marketing difficulties experienced due to late harvest seasons in the Great Lakes region. The strategy shall include, as appropriate alternative storage, sales, marketing, multimodal transportation systems, and other systems, to assure optimal economic benefits to the region from agricultural and other commercial activities. The strategy shall develop—

(i) methods to improve and promote both bulk and general cargo trade through Great Lakes ports;

(ii) methods to accelerate the movement of grains and other agricultural commodities through the Great Lakes;

(iii) methods to provide needed flexibility to farmers in the Great Lakes region to market grains and other agricultural commodities; and

(iv) methods and materials to promote trade from the Great Lakes region and through Great Lakes ports, particularly with European, Mediterranean, African, Caribbean, Central American, and South American nations.

(C) In developing the strategy, the Board shall conduct and consider the results of—

(i) an analysis of the feasibility and costs of using iron ore vessels which are not being utilized to move grain and other agricultural commodities on the Great Lakes;

(ii) an economic analysis of transshipping such commodities through Montreal, Canada, and other ports;

(iii) an analysis of the economic feasibility of storing such commodities during the nonnavigation season of the Great Lakes and the feasibility of and need for construction of new storage facilities for such commodities;

(iv) an analysis of the constraints on the flexibility of farmers in the Great Lakes region to market grains and other agricultural commodities, including harvest dates for such commodities and the availability of transport and storage facilities for such commodities; and

(v) an analysis of the amount of grain and other agricultural commodities produced in the United States which are being diverted to Canada by rail but which could be shipped on the Great Lakes if vessels were available for shipping such products during the navigation season.

(D) In developing the strategy, the Board shall consider weather problems and related costs and marketing problems resulting from the late harvest of agricultural commodities (including wheat and sunflower seeds) in the Great Lakes region.

(E) In developing the strategy, the Board shall consult United States ports on the Great Lakes and their users, including farm organizations (such as wheat growers and soybean growers), port authorities, water carrier organizations, and other interested persons.

(3) The Board shall be composed of seven members as follows:

(A) the chairman of the Great Lakes Commission or his or her delegate,

(B) the Secretary or his or her delegate,

(C) the Secretary of Transportation or his or her delegate,

(D) the Secretary of Commerce or his or her delegate,

(E) the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate,

(F) the Secretary of Agriculture or his or her delegate, and

(G) the Administrator of the Environmental Protection Agency or his or her delegate.

(4)(A) Members of the Board shall serve for the life of the Board.

(B) Members of the Board shall serve without pay and those members who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the Board, except that members of the Board shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business and engaged in the actual performance of duties vested in the Board.

(C) Four members of the Board shall constitute a quorum but a lesser number may hold hearings.

(D) The cochairmen of the Board shall be the Secretary or his or her delegate and the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate.

(E) The Board shall meet at the call of the co-chairmen or a majority of its members.

(5)(A) The Board shall, without regard to section 5311(b) of title 5, United States Code, have a Director, who shall be appointed by the Board and shall be paid at a rate which the Board considers appropriate.

(B) Subject to such rules as may be prescribed by the Board, without regard to 5311(b) of title 5, United States Code, the Board may appoint and fix the pay of such additional personnel as the Board considers appropriate.

(C) Upon request of the Board, the head of any Federal agency is authorized to detail, on a reimburseable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this subsection.

(6)(A) The Board may, for purposes of carrying out this subsection, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate.

(B) Any member or agent of the Board may, if so authorized by the Board, take any action which the Board is authorized to take by this paragraph.

(C) The Board may secure directly from any department or agency of the United States any information necessary to enable it to carry out this subsection. Upon request of the co-chairmen of the Board, the head of such department or agency shall furnish such information to the Board.

(D) The Board may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(E) The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(7) Not later than September 30, 1988, the Board shall transmit to the President and to each House of the Congress a report stating the strategy developed under this subsection and the results of each analysis conducted under this subsection. Such report shall contain a detailed statement of the findings and conclusions of the Board together with its recommendations for such legislative and administrative actions as it considers appropriate to carry out such strategy and to assure maximum economic benefits to the users of the Great Lakes and to the Great Lakes region.

(8) The Board shall cease to exist 180 days after submitting its report pursuant to this subsection.

(9) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection for fiscal years beginning after September 30, 1985, and ending before October 1, 1989.

(c)(1) The President shall invite the Government of Canada to join in the formation of an international advisory group whose duty it shall be (A) to develop a bilateral program for improving navigation, through a coordinated strategy, on the Great Lakes, and (B) to conduct investigations on a continuing basis and make recommendations for a system-wide navigation improvement program to facilitate optimum use of the Great Lakes. The advisory group shall be composed of five members representing the United States, five members representing Canada, and two members from the International Joint Commission established by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448). The five members representing the United States shall include the Secretary of State, one member of the Great

Lakes Commodities Marketing Board (as designated by the Board), and three individuals appointed by the President representing commercial, shipping, and environmental interests, respectively.

(2) The United States representatives to the international advisory group shall serve without pay and the United States representatives to the advisory group who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the advisory group, except that the United States representatives shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular place of business and engaged in the actual performance of duties vested in the advisory group.

(3) The international advisory group established by this subsection shall report to Congress and to the Canadian Parliament on its progress in carrying out the duties set forth in this subsection not later than one year after the formation of such group and biennially thereafter.

(d) The Secretary and the Administrator of the Environmental Protection Agency, in cooperation with the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration, and other appropriate Federal and non-Federal entities, shall carry out a review of the environmental, economic, and social impacts of navigation in the United States portion of the Great Lakes. In carrying out such review, the Secretary and the Administrator shall use existing research, studies, and investigations relating to such impacts to the maximum extent possible. Special emphasis shall be made in such review of the impacts of navigation on the shoreline and on fish and wildlife habitat, including, but not limited to, impacts associated with resuspension of bottom sediment. The Secretary and the Administrator shall submit to Congress an interim report of such review not later than September 30, 1987, and a final report of such review along with recommendations not later than September 30, 1989.

SEC. 1124. In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced before such date of enactment, and which involves the acquisition of lands or interests in lands for the mitigation of fish and wildlife losses attributable to the project or for fish and wildlife enhancement, such lands or interests (1) shall be acquired before any construction of the project (other than such acquisition) commences, or (2) shall be acquired along with the acquisition of lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses or enhancement of fish and wildlife), whichever the Secretary determines is appropriate.

SEC. 1125. In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced before such date of enactment, and which involves the acquisition of lands or interests in lands for recreation purposes, such lands or interests shall be acquired along with the acquisition of lands and interests in lands for other project purposes.

SEC. 1126. The Secretary shall not require, under section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 889), and the Federal Water Project Recreation Act, non-Federal interests to assume operation and maintenance of any recreational facility operated by the Secretary at any water resources project as a condition to the construction of new recreational facilities at such project or any other water resources project.

SEC. 1127. The Secretary shall establish in the Directorate of Civil Works of the Office of the Chief of Engineers an Office of Environmental Policy. Such Office shall be responsible for the formulation, coordination, and implementation of all matters concerning environmental quality and policy as they relate to the water resources program of the United States Army Corps of Engineers. Such Office shall, among other things, develop, and monitor compliance with, guidelines for the consideration of environmental quality in formulation and planning of water resources projects carried out by the Secretary, the preparation and coordination of environmental impact statements for such projects, and the coordination with Federal, State, and local agencies of environmental aspects of such projects and regulatory responsibilities of the Secretary.

SEC. 1128. (a) Section 4 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 4, 1915 (38 Stat. 1053; 33 U.S.C. 560), is amended by adding at the end thereof the following: "No funds may be accepted or expended under this section unless such acceptance and expenditure has been specifically authorized for that project by law.".

(b) The proviso in section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" approved June 22, 1936 (33 U.S.C. 701h), is amended by inserting after "as advantageous in the public interest," the following: "except that no such funds may be accepted or expended unless such acceptance and expenditure has been specifically authorized for that project by law,".

SEC. 1129. In addition to amounts authorized to be appropriated to carry out agreements entered into with the State of Illinois pursuant to section 110 of the River and Harbor Act of 1958 relating to the repair and modification of the Illinois and Mississippi Canal, there is authorized to be appropriated to the Secretary not to exceed $15,000,000 to carry out such agreements.

SEC. 1130. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of any study on the Pearl River Basin, Mississippi and Louisiana, authorized by resolution of the Committee on Environment and Public Works of the Senate, or the Committee on Public Works and Transportation of the House of Representatives, adopted before the date of enactment of this Act, the Secretary shall take into account the costs and benefits of any measures undertaken by the Secretary pursuant to any provision of law (other than any provision of this Act) enacted after July 1, 1983, and before December 31, 1986, in the interest of preventing flood damages along the Pearl River in the vicinity of Jackson, Mississippi.

SEC. 1131. The prohibitions and provisions for review and approval of activities in waters of the United States as set forth in sections 9, 10, and 13 of the Act of March 3, 1899 (30 Stat. 1151), the first section of the Act of June 13, 1902 (32 Stat. 371), and section 404 of the Federal Water Pollution Control Act shall not apply to any works or improvements constructed or maintained now or in the future in the Great Miami River Basin, the Great Miami River, and the tributaries of the Great Miami River above river mile 7.5, by any political subdivision established pursuant to chapter 6101, Ohio Revised Code, as in effect on July 1, 1983.

SEC. 1132. Any project authorized for construction by this Act shall not be authorized after the last day of the five-year period beginning on the date of enactment of this Act unless during such period funds have been obligated for construction, including planning and designing, of such project.

SEC. 1133. (a) On and after December 31, 1989, the Secretary shall continue in effect any lease or assignment thereof to which this section applies, until such time as such lease is terminated by the leaseholder, any successors or assigns of the leaseholder, or by the Secretary under subsection (b) of this section. Any such continuation beyond the date of expiration of such lease as in effect on December 31, 1989, shall be at fair market rentals and on such other reasonable terms and conditions not inconsistent with this section as the Secretary deems necessary. No continuation shall be made beyond such date unless the leaseholder agrees to hold the United States harmless from any claim for damages or injury to persons or property arising from occupancy of or through the use of the property subject to such lease.

(b)(1) On and after December 31, 1989, the Secretary and any other officer or employee of the United States shall not terminate a lease to which this section applies, except as provided in paragraph (2) of this subsection.

(2) On and after December 31, 1989, the Secretary may terminate a lease to which this section applies only if—

(A) the property covered by the lease is needed for immediate use for public park purposes or other higher public use or for a navigation or flood control project; or

(B) the leaseholder substantially violates a provision of such lease.

(c) Subsections (a) and (b) of this section apply to (1) any cottage site lease of property, which lease was entered into by the Secretary of the Army pursuant to section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 16 U.S.C. 460d), and is in effect on December 31, 1989, and (2) any assignment of such a lease.

(d) On and after December 31, 1989, no houseboat, floating cabin, marina (including any with sleeping facilities), or lawfully installed dock or cabin and appurtenant structures shall be required to be removed from any Federal water resources reservoir or lake project administered by the Secretary on which it was located on the date of enactment of this Act, if such property is maintained in usable condition, and, in the judgment of the Secretary, does not occasion a threat to life or property, except where necessary for immediate use for public purposes or other higher public use or for a navigation of flood control project.

SEC. 1134. In the construction of any water resources project, the Secretary is authorized to make only such modifications—

(1) as reflect changes in construction costs (including costs of real property acquisitions, preconstruction studies, planning, and

engineering and design), as are indicated by engineering and other appropriate cost indexes;

(2) as do not materially alter the scope or functions of the project; or

(3) as are the result of additional studies, modifications, or other actions (including mitigation and other environmental actions) authorized by this Act or any other law enacted before, on, or after the date of enactment of this Act.

SEC. 1134. (a) The Secretary is authorized to review the operation of water resources projects constructed by the Secretary before the date of enactment of this Act to determine the need for modifications in the structures and operations of such projects for the purpose of improving the quality of the environment in the public interest.

(b) The Secretary is authorized to carry out a demonstration program in the two-year period beginning on the date of enactment of this Act for the purpose of making such modifications in the structures and operations of water resources projects constructed by the Secretary before the date of enactment of this Act which the Secretary determines (1) are feasible and consistent with the authorized project purposes, and (2) will improve the quality of the environment in the public interest.

(c) The Secretary shall coordinate any actions taken pursuant to this section with appropriate Federal, State, and local agencies.

(d) Not later than two years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the review conducted under subsection (a) and on the demonstration program conducted under subsection (b). Such report shall contain any recommendations of the Secretary concerning modification and extension of such program.

(e) There is authorized to be appropriated not to exceed $25,000,000 to carry out this section.

SEC. 1136. (a)(1) The Secretary is authorized to reimburse the State of New York for 50 percent of the costs of maintaining and operating the New York State Barge Canal, if the work involved is in accordance with an agreement between the Secretary and the State of New York. The State of New York shall continue to own and operate such canal.

(2) The Secretary is authorized to reimburse the State of New York for 50 percent of the cost of reconstructing and rehabilitating the New York State Barge Canal for navigation, flood control, water supply, irrigation, power, recreational, historic, and environmental purposes in accordance with the recommendations of the Secretary in the report transmitted under subsection (b) and in accordance with an agreement between the Secretary and the State of New York.

(b) The Secretary shall, in cooperation with the State of New York, study the need for reconstruction and rehabilitation of the New York State Barge Canal for navigation, flood control, water supply, irrigation, power, recreational, historic, and environmental purposes. Not later than two years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study, along with recommendations of the Secretary for reconstruction and rehabilitation of such canal. No appropriation shall be made for any rehabilitation and reconstruction authorized by subsection (a), if such reconstruction and rehabilitation have not been approved by resolution adopted by each such committee.

(c) For purposes of this section, the term "New York State Barge Canal" means—

(1) the Erie Canal, which connects the Hudson River at Waterford with the Niagara River at Tonawanda;

(2) the Oswego Canal, which connects the Erie Canal at Three Rivers with Lake Ontario at Oswego;

(3) the Champlain Canal, which connects the easterly end of the Erie Canal at Waterford with Lake Champlain at Whitehall; and

(4) the Cayuga and Seneca Canals, which connect the Erie Canal at a point near Montezuma with Cayuga and Seneca Lakes and through Cayuga Lake and Ithaca and through Seneca Lake with Montour Falls.

SEC. 1137. (a) The Secretary is hereby authorized to develop and implement a flood warning system for the Whitewater River, San Bernadino and Riverside Counties, California, at an estimated cost of $300,000.

(b) Prior to installation, local interest shall agree to operate and maintain the system authorized by subsection (a), and develop, maintain, and implement emergency evacuation plans satisfactory to the Secretary.

SEC. 1138. (a) In constructing any water resources project in a labor market area which has a high unemployment rate, the Secretary shall, to the extent he determines feasible, provide for the employment of residents of such labor market area.

(b) Not later than ninety days after the President or any other official of the executive branch requests the appropriation of initial funds for any water resources project, the Secretary shall transmit to Congress current information on the potential benefits of the project which are attributable to the employment of unemployed residents of the labor market area in which the project is located.

(c) For purposes of this section—

(1) The term "labor market area" shall have the meaning given such term by the Secretary of Labor.

(2) A labor market area has a high rate of unemployment if the average rate of unemployment for such area, as determined by the Secretary of Labor, over the most recent twelve-month period for which statistics are available is higher than the national average rate of unemployment, as determined by the Secretary of Labor, over such twelve-month period.

SEC. 1139. Notwithstanding section 5901(a) of title 5, United States Code, the uniform allowance for uniformed civilian employees of the United States Army Corps of Engineers may be up to $400 annually.

SEC. 1140. Section 145 of the Water Resources Development Act of 1976 is amended by inserting "by such State of 50 percent" after "upon payment".

SEC. 1141. The Secretary shall amend the contract between the State of Illinois and the United States for use of storage space for water supply in Rend Lake on the Big Muddy River in Illinois to relieve the State of Illinois of the requirement to make annual payments for that portion of the maintenance and operation costs applicable to future water supply storage as is consistent with the Water Supply Act of 1958 (Public Law 85-500), until such time and in such proportion as the storage is used for water supply purposes.

SEC. 1142. After an agreement for the sale by the Southern California Water Company to the city of Hawaiian Gardens, California, of the water supply system which serves such city is entered into, the Secretary shall make a loan to such city to pay the cost of acquisition and rehabilitation of such system at an estimated cost of $8,500,000. Such city shall repay the cost of such acquisition and rehabilitation to the Secretary in accordance with the Water Supply Act of 1958.

SEC. 1143. The Secretary shall procure by contract not less than 30 percent of architectural and engineering services required for the design and construction of water resources projects undertaken by the Secretary.

SEC. 1144. Any surveying or mapping services to be performed in connection with a water resources project which is or has been authorized to be undertaken by the Secretary shall be procured in accordance with title IX of the Federal Property and Administrative Services Act of 1949.

SEC. 1145. (a) The California Debris Commission established by the first section of the Act of March 1, 1893 (33 U.S.C. 661) is hereby abolished.

(b) All authorities, powers, functions, and duties of the California Debris Commission are hereby transferred to the Secretary.

(c) The assets, liabilities, contracts, property, records, and the unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used arising from, available to, or to be made available in connection with the authorities, powers, functions, and duties transferred by this section, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(d) All acquired lands, and other interests therein presently under the jurisdiction of the California Debris Commission are hereby authorized to be retained, and shall be administered under the direction of the Secretary, who is hereby authorized to take such actions as are necessary to consolidate and perfect title; to exchange for other lands or interests therein which may be required for recreation or for existing or proposed projects of the United States; to transfer to other Federal agencies or dispose of as surplus property; and to release to the coextensive fee owners any easements no longer required by the United States, under such conditions or for such consideration as the Secretary shall determine to be fair and reasonable. Except as specifically provided herein all transactions will be in accordance with existing laws and procedures.

SEC. 1146. Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), is amended by striking out "drinking" each place it appears in the second sentence and by inserting after the first sentence the following new sentence: "In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief Act of 1974, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten

days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services.".

SEC. 1147. Section 156 of the Water Resources Development Act of 1976 (90 Stat. 2933) is amended by striking out "fifteenth" and inserting in lieu thereof "fiftieth".

SEC. 1148. (a) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking out "$30,000,000" in the first sentence and inserting in lieu thereof "$50,000,000" and by striking out "$4,000,000" in the third sentence and inserting in lieu thereof "$7,500,000". Such section is further amended by adding at the end thereof the following new sentence: "Section 302 of the Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985, relating to non-Federal share, acquisition of lands, easements, and rights-of-way, and relocations of utilities, structures, and other improvements, shall apply to projects under this section.".

(b) Section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g) is amended by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000" and by striking out "$250,000" and inserting in lieu thereof "$750,000".

(c) Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking out "$10,000,000" and inserting in lieu thereof "$15,000,000" and by striking out "$250,000" and inserting in lieu thereof "$750,000".

(d) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000". Subsection (b) of such section is amended by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000".

(e) Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended (1) by striking out "$25,000,000" and inserting in lieu thereof "$30,000,000", and (2) by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

(f) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

(g) Section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works or rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is amended by striking out "$300,000" and inserting in lieu thereof "$4,000,000".

(h) The Secretary is authorized to use the authority contained in section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor At of 1968 (33 U.S.C. 426i) in the Trust Territory of the Pacific Islands.

(i) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

SEC. 1149. The Secretary shall expedite completion of the study of a new lock parallel to the existing Poe Lock being undertaken as part of the study of additional locks on the Saint Lawrence Seaway and shall submit to the Congress a report on such additional lock not later than September 30, 1986.

SEC. 1150. (a) After the Chief of Engineers transmits his recommendations for a water resources development project to the Secretary of the Army for transmittal to the Congress, as authorized in the first section of the Act of December 22, 1944, and before authorization for construction of such project, the Chief of Engineers is authorized to undertake continued planning and engineering (other than preparation of plans and specifications) for such project if the Chief of Engineers finds that the project is without substantial controversy and justifies further engineering, economic, and environmental investigations and the Chief of Engineers transmits to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a statement of such findings. In the two-year period after authorization for construction of such project, the Chief of Engineers is authorized to undertake planning, engineering, and design for such project.

(b) Not later than January 15, 1986, and each January 15 thereafter, the Secretary shall prepare and transmit a report on the activities undertaken under this section in the preceding fiscal year to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) There is authorized to carry out this section not to exceed $20,000,000 per fiscal year for each of the fiscal years 1986 and 1987.

(d) The authorizations made by this section shall be in addition to any other authorizations for planning, engineering, and design of water resources development projects and shall not be construed as a limitation on any such other authorization.

SEC. 1151. The Secretary shall reevaluate the feasibility of the Elk Creek Lake feature of the project for the Rogue River, Oregon and California, authorized by the Flood Control Act of 1962 (76 Stat. 1192), including an evaluation of the feasibility of adding hydroelectric power as a project purpose. The evaluation and justification of the Elk Creek Lake feature shall be based on the benefits and costs of all features of the project for the Rogue River. Hydroelectric power shall be added as a project purpose if the Secretary determines that such addition will increase the amount by which total economic benefits of the project exceed total economic costs. In reviewing the economic feasibility of such project, the Secretary shall use the rate of interest that applied at the time such project was authorized.

SEC. 1152. In recommending funding for construction of water resources projects, the Secretary shall not give priority to any project for which the non-Federal interests agree to provide a greater non-Federal share than is required by the law authorizing such project.

SEC. 1153. The Secretary shall study and evaluate the measures necessary to increase the capabilities of the United States Army Corps of Engineers to undertake the planning and construction of water resources projects on an expedited basis and to adequately comply with all requirements of law applicable to the water resources program of the Corps of Engineers. The Secretary shall implement such measures as may be necessary to improve such capabilities, including the establishment of increased levels of personnel, changes in project planning and construction procedures designed to lessen the time required for such planning and construction, and procedures for expediting the coordination of water resources projects with Federal, State, and local agencies.

SEC. 1154. Not later than January 15, 1987, and each January 15 thereafter, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report which—

(1) specifies the amount of electricity generated by each water resource project constructed by the Secretary which generated electricity in the preceding fiscal year;

(2) specifies the revenues received by the United States from the sale of electricity generated by such project; and

(3) specifies the costs of construction, operation, and maintenance of such project allocated to the generation of electricity.

The first report submitted under this section shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project before October 1, 1985, on a fiscal year basis. Each report thereafter shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project for the preceding fiscal year.

SEC. 1155. Notwithstanding any other provision of law, Federal assistance made available by the Farmers Home Administration to any political subdivision of a State may be used to provide the non-Federal share of the cost of any construction project carried out under section 201 of the Federal Water Pollution Control Act.

SEC. 1156. (a) The President may appoint a regular officer of any of the Armed Forces who is serving on active duty as the Federal Commissioner of the Red River Compact Commission.

(b) Notwithstanding any other provision of law, acceptance by a regular officer of any of the Armed Forces of an appointment as the Federal Commissioner of the Red River Compact Commission, or the exercise of the functions of the Federal Commissioner and chairman of such Commission, by such officer shall not terminate or otherwise affect such officer's appointment as a military officer.

SEC. 1157. The Secretary shall undertake such measures as are necessary to ensure that standard and uniform procedures and practices are followed by each district office (and each division office for any area in which there is no district office) of the United States Army Corps of Engineers in the preparation of feasibility reports on water resources projects.

SEC. 1158. The first proviso of section 4 of the River and Harbor Act approved July 5, 1884 (23 Stat. 147), as amended by section 6 of the River and Harbor Act, approved March 3, 1909 (33 U.S.C. 5), is amended to read as follows: "*Provided*, That whenever, as determined by the Secretary, the condition of any of the aforesaid works is such

that its reconstruction is essential to its efficient and economical maintenance and operation, the reconstruction thereof may include such modifications in plan and location as may be necessary to provide adequate facilities for navigation. No appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any such reconstruction if such acquisition and actual construction have not been approved by resolution of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives:".

SEC. 1159. (a) In the preparation of feasibility reports for projects for flood damage prevention in urban and rural areas, the Secretary shall consider and evaluate measures to reduce or eliminate damages from flooding without regard to frequency of flooding, drainage area, and amount of runoff.

(b) The provisions of section 302 of this Act shall apply to all measures authorized after the date of enactment of this Act to reduce or eliminate damages from flooding in urban and rural areas.

SEC. 1160. The Secretary is authorized to construct and improve facilities at the Niagara Frontier Transportation Authority, Port of Buffalo, including the construction of covered bulk storage facilities, additional paved wharf area, bulkheading up to a total length of 1,000 feet sufficient to facilitate a 1,000-foot class X vessel or a 730-foot class VII vessel, and other projects consistent with implementation of the master plan for the Port of Buffalo, at an estimated cost of $7,000,000.

SEC. 1161. The Secretary is authorized to construct and maintain a navigation channel 9 feet deep and 100 feet wide from the mouth of the Beaver River at Bridgewater, Pennsylvania, a distance of approximately three miles upriver, to the dam at New Brighton, at an estimated cost of $700,000. Prior to initiation of construction of the project, non-Federal interests shall agree to pay one-half of the costs of construction of the project attributable to recreational boating.

SEC. 1162. Section 1114 of title 18, United States Code, is amended by inserting "or any uniformed civilian official or uniformed civilian employee of the Corps of Engineers of the Department of the Army assigned to perform investigations, inspections, or law or regulatory enforcement functions in connection with civil activities of the Department of the Army," immediately after "Foreign Service,".

SEC. 1163. The Secretary, in consultation with appropriate Federal, State, and local agencies, is authorized to plan, design, and construct a demonstration project for the recharge of groundwater in the drainage basin of the Tucson, Arizona, metropolitan area, at an estimated cost of $2,500,000.

SEC. 1164. (a) The Secretary is authorized, for the period ending January 1, 1989, with the concurrence of the Director of the National Park Service and the South Florida Water Management District, to modify the schedule for delivery of water from the central and southern Florida project to the Everglades National Park required by section 2 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970 (Public Law 91-282) and to conduct an experimental program for the delivery of water to the Everglades National Park from such project for the purpose of determining an improved schedule for such delivery.

(b) The Secretary is further authorized to acquire such interests in lands currently in agricultural production which are adversely affected by any modification of the schedule for water delivery to Everglades National Park under subsection (a). The Secretary shall acquire any interest in land at the fair market value of such interest based on conditions existing after the construction of the project described in subsection (a) and before any modification of such delivery schedule. The Secretary is also authorized to construct necessary flood protection measures for protection of homes in the area affected by any modification of such delivery schedule, at an estimated cost of $10,000,000.

SEC. 1165. The Secretary is authorized and directed to undertake such emergency bank stabilization measures as are necessary to protect bridges on Elm Creek in the vicinity of Decatur, Nebraska, at an estimated cost of $500,000.

SEC. 1166. Section 221(a) of the Flood Control Act of 1970 is amended by adding at the end thereof the following: "In any such agreement entered into by a State, such State may make the furnishing of all or any portion of its required cooperation contingent upon the appropriation by the State of necessary funds for that purpose.".

SEC. 1167. The Secretary is authorized and directed to improve public access to, and lessen a health and safety hazard at, Pearson-Skubitz Big Hill Lake, Kansas, by upgrading existing roads to the extent feasible and acquiring additional rights-of-way and constructing new roads as required, at an estimated cost of $4,780,000.

SEC. 1168. The Secretary is authorized to contract with existing, nonprofit economic development organizations to assist in the preparation of projects as provided in sections 804(a) and 851(b) and to undertake such actions as may be necessary to identify and stimulate the long-term economic development envisioned as the result of projects which serve remote rural areas or in areas where such are justified because of economic reasons.

SEC. 1169. (a) The first sentence of the paragraph under the center heading "ARKANSAS AND RED RIVERS" in section 203 of the Flood Control Act of 1966, as amended, is amended by striking out "$46,400,000" and inserting in lieu thereof "$177,600,000".

(b) Section 201 of the Flood Control Act of 1970, as amended by section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the center heading "ARKANSAS-RED RIVER BASIN" and adding the following: "No funds shall be appropriated or expended under authority granted in the Flood Control Act of 1966, as amended, for construction of chloride control projects within the Arkansas River Basin. The chloride control projects for the Red River Basin and the Arkansas River Basin shall be considered to be separate projects, with separate authority.".

(c) The Secretary is authorized to conduct a restudy of the Arkansas River chloride control project to determine its economic feasibility and report the findings of such study to Congress.

SEC. 1170. In order to assure the most economical and cost-saving construction of water resources projects authorized before, on, or after the date of enactment of this Act, the Secretary shall require a value engineering review during design for each water resources project authorized before, on, or after such date of enactment which has an estimated cost in excess of $10,000,000. For purposes of this section, the term "value engineering review" means a specialized cost control technique which uses a systematic and creative approach to identify and to focus on unnecessarily high costs in a project in order to arrive at a cost saving without sacrificing the reliability or efficiency of the project.

SEC. 1171. (a) Except as provided in subsection (b), the appropriate non-Federal interests shall provide the necessary lands, easements, and rights-of-way for any water resources demonstration project authorized by this Act or by any Act enacted after the date of enactment of this Act. If the value of the lands, easements, and rights-of-way so provided is less than 10 percent of the cost of the project (including the value of such lands, easements, and rights-of-way), the non-Federal interests shall pay to the Secretary over a 15-year period an amount equal to the excess of (1) the amount equal to 10 percent of such cost, over (2) the value of such lands, easements, and rights-of-way.

(b) If the Secretary estimates before the beginning of construction of any project to which subsection (a) applies that the value of all lands, easements, and rights-of-way required for such project will be a percentage of the cost of the project which is greater than 10 percent, the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary shall be limited to the amount by which such estimated value exceeds 10 percent of the estimated cost of the project.

SEC. 1172. (a) Beginning October 1, 1985, the Secretary, in cooperation with the State of Illinois, shall carry out measurements and make necessary computations required by the decree of the United States Supreme Court (388 U.S. 426) relating to the diversion of water from Lake Michigan and shall coordinate the results with downstate interests. The measurements and computations shall consist of all flow measurements, gauge records, hydraulic and hydrologic computations, including periodic field investigations and measuring device calibrations, necessary to compute the amount of water diverted from Lake Michigan by the State of Illinois and its municipalities, political subdivisions, agencies, and instrumentalities, not including water diverted or used by Federal installations.

(b) There are authorized to be appropriated such sums as may be necessary for fiscal years beginning after September 30, 1985, to carry out this section, including those funds necessary to maintain the measurements and computations, as well as necessary capital construction costs associated with the installation of new flow measurement devices or structures declared necessary and appropriate by the Secretary.

SEC. 1173. Notwithstanding any other provision of this Act and any other provision of law, the total amount which may be appropriated from the general fund of the Treasury for construction of water resources projects by the Secretary shall not exceed $1,500,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, and September 30, 1987, and $1,600,000,000 per fiscal year for each of the fiscal years ending September 30, 1988, September 30, 1989, and September 30, 1990.

SEC. 1174. Section 22(b) of the Water Resources Development Act of 1974 is amended—

(1) by striking out "$4,000,000" and inserting in lieu thereof "$10,000,000"; and

(2) by striking out "$200,000" and inserting in lieu thereof "$500,000".

SEC. 1175. The Secretary is authorized and directed to remove the Berkeley Pier, which extends into San Francisco Bay, California, approximately 12,000 feet, at an estimated cost of $1,050,000.

SEC. 1176. (a) The Secretary is authorized to implement a program of research in order to demonstrate the cropland irrigation and conservation techniques described in the report issued by the New England Division Engineer, dated May 1980, for the Saint John River Basin, Maine.

(b) For the purposes of this section, there is authorized to be appropriated to the Secretary the sums of $1,825,000 for the fiscal year ending September 30, 1986, $820,000 for the fiscal year ending September 30, 1987, and $785,000 for the fiscal year ending September 30, 1988, such sums to remain available until expended.

SEC. 1177. The Secretary is authorized to construct a seawall from the canneries in the village of Atu'u, Ma'oputasi County, to Breakers Point near the village of Tafananai, Sua County, Western Tutuila Island, American Samoa, at an estimated cost of $1,200,000.

SEC. 1178. The Secretary is authorized to rehabilitate the fuel dock adjacent to the Rainmaker Hotel between the villages of Utulei and Fagatogo in Ma'oputasi County, Eastern Tutuila Island, American Samoa, at an estimated cost of $350,000.

SEC. 1179. Section 215(a) of the Flood Control Act of 1968 is amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000".

SEC. 1180. Notwithstanding any other provision of law, in any case in which the use of fill material for beach erosion and beach nourishment is authorized as a purpose of an authorized water resources project, the Secretary is authorized to acquire by purchase, exchange, or otherwise from nondomestic sources and utilize such material for such purposes if such materials are not available from domestic sources for environmental or economic reasons.

SEC. 1181. The Secretary, the Director of the Federal Emergency Management Agency, and the Administrator of the Soil Conservation Service shall take necessary actions, including the posting and distribution of information and the preparation and distribution of educational materials and programs, to ensure that information relating to flood hazard areas is generally available to the public.

SEC. 1182. The Secretary is authorized to accept funds from any entity, public or private, in accordance with the Pacific Northwest Electric Power Planning and Conservation Act to be used to protect, mitigate, and enhance fish and wildlife in connection with projects constructed or operated by the Secretary. The Secretary may accept and use funds for such purposes without regard to any limitation established under any other provision of law or rule of law.

SEC. 1183. (a) The Secretary may require compliance with any requirements pertaining to cooperation by non-Federal interests in carrying out any water resources project authorized before, on, or after the date of enactment of this Act.

(b) Whenever on the basis of any information available to the Secretary, the Secretary finds that any non-Federal interest is not providing any cooperation required under subsection (a), the Secretary shall issue an order requiring such non-Federal interest to provide such cooperation. After notice and opportunity for a hearing, if the Secretary finds that any person is violating an order issued under this section, such person shall be subject to a civil penalty not to exceed $10,000 per day of such violation, except that the total amount of civil penalties for any violation shall not exceed $50,000.

(c) The Secretary may request the Attorney General to bring a civil action for appropriate relief, including permanent or temporary injunction, for any violation of an order issued under this section, to collect a civil penalty imposed under this section, or to recover any cost incurred by the Secretary in undertaking performance of any item of cooperation under section 221(d) of the Flood Control Act of 1970. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing business, and such court shall have jurisdiction to restrain such violation, to require compliance, to require payment of any civil penalty imposed under this section, and to require payment of any costs incurred by the Secretary in undertaking performance of any such item.

SEC. 1184. (a) In recognition of the serious impacts that are expected to occur to the Great Lakes environment as a result of a projected fivefold increase in consumption of Great Lakes water, including loss of wetlands and reduction of fish spawning and habitat areas, as well as serious economic losses to vital Great Lakes industries, and in recognition of the national goal to provide environmental protection and preservation of our natural resources while allowing for continued economic growth, the Administrator of the Environmental Protection Agency, in cooperation with other interested departments, agencies, and instrumentalities of the United States and the eight Great Lakes States and their political subdivisions, is authorized to conduct a study of control measures which can be implemented to reduce the quantity of Great Lakes water consumed without adversely affecting projected economic growth of the Great Lakes region.

(b) The study authorized by this section shall include an analysis of both existing and new technology which is likely to be feasible in the foreseeable future and shall at a minimum include the following:

(1) a review of the methodologies used to forecast Great Lakes consumptive uses, including an analysis of the sensitivity of key variables affecting such uses;

(2) an analysis of the effect that enforcement of provisions of the Federal Water Pollution Control Act relating to thermal discharges has had on consumption of Great Lakes water;

(3) an analysis of the effect of laws, regulations, and national policy objectives on consumptive uses of Great Lakes water used in manufacturing;

(4) an analysis of the economic effects on a consuming industry and other Great Lakes interests associated with a particular consumptive use control strategy;

(5) an analysis of associated environmental impacts, both singularly and in combination with other consumptive use control strategies; and

(6) a summary discussion containing recommendations for methods of controlling consumptive uses which methods maximize benefits to the Great Lakes ecosystem and also provide for continued full economic growth for consuming industries as well as other industries which depend on the use of Great Lakes water.

(c) There is authorized to be appropriated for fiscal years beginning after September 30, 1985, $4,500,000 to carry out this section. Sums appropriated under this section shall remain available until expended.

(d) For purposes of this section, the term "Great Lakes States" means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.

SEC. 1185. (a) The Congress finds and declares that—

(1) the Great Lakes are a most important natural resource to the eight Great Lakes States and two Canadian provinces, providing water supply for domestic and industrial use, clean energy through hydropower production, an efficient transportation mode for moving products into and out of the Great Lakes region, and recreational uses for millions of United States and Canadian citizens;

(2) the Great Lakes need to be carefully managed and protected to meet current and future needs within the Great Lakes States and Canadian provinces;

(3) any new diversions of Great Lakes water for use outside of a Great Lakes State will have significant economic and environmental impacts, adversely affecting the use of this resource by the Great Lakes States and Canadian provinces; and

(4) four of the Great Lakes are international waters and are defined as boundary waters in the Boundary Waters Treaty of 1909 between the United States and Canada, and as such any new diversion of Great Lakes water in the United States would affect the relations of the Government of the United States with the Government of Canada.

(b) It is therefore declared to be the purpose and policy of the Congress in this section—

(1) to take immediate action to protect the limited quantity of water available from the Great Lakes system for use by the Great Lakes States and in accordance with the Boundary Waters Treaty of 1909;

(2) to prohibit any diversion of Great Lakes water by any State, Federal agency, or private entity for use outside of a Great Lakes State unless such diversion is approved by the Governor of each of the Great Lakes States; and

(3) to prohibit any Federal agency from undertaking any studies that would involve the transfer of Great Lakes water for any purpose for use outside of a Great Lakes State.

(c) As used in this section, the term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(d) No water shall be diverted from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside of a Great Lakes State unless such diversion is approved by the Governor of each of the Great Lake States.

(e) No Federal agency may undertake any study, or expend any Federal funds to contract for any study, of the feasibility of diverting water from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside of a Great Lakes State, unless such study or expenditure is approved by the Governor of each of

the Great Lakes States. The prohibition of the preceding sentence shall not apply to any study or data collection effort performed by the Corps of Engineers or other Federal agency under the direction of the International Joint Commission in accordance with the Boundary Waters Treaty of 1909.

SEC. 1186. (a) Subject to the provisions of this section, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, is authorized to take such action as may be necessary to remove and dispose of toxic pollutants from areas of the Buffalo River, New York, which contain high levels of such pollutants.

(b) No appropriation shall be made for the removal and disposal of toxic pollutants from the Buffalo River, New York, under this section if such removal and disposal have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c)(1) The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study of the Buffalo River to determine which areas of such river contain high levels of toxic pollutants, to determine whether or not removal and disposal of such pollutants from such areas is economically and environmentally feasible, and to determine the most efficient and effective methods of removing such pollutants from such areas and of disposing of such pollutants after their removal.

(2) Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this subsection (including a list of areas identified as containing high levels of toxic pollutants), along with recommendations concerning whether or not removal and disposal of toxic pollutants from identified areas is economically and environmentally feasible and concerning methods of removing and disposing of such pollutants.

(3) There is authorized to be appropriated such sums as may be necessary to conduct the study under this subsection of this section for fiscal years beginning after September 30, 1985.

SEC. 1187. (a) Bayou Lafourche, in the State of Louisiana, between Canal Boulevard, city of Thibodaux, Parish of Lafourche, and the Southern Pacific Railroad bridge crossing the bayou, city of Thibodaux, Parish of Lafourche, is hereby declared to be a nonnavigable waterway of the United States within the meaning of the laws of the United States relating to the construction of bridges across navigable waters.

(b) The right to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 1188. Section 14 of the Act of March 3, 1899 (33 U.S.C. 408), is amended by inserting "(1)" after "grant permission for" and by striking out the period at the end thereof and inserting in lieu thereof ", and (2) the alteration or permanent occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest and will not impair the usefulness of such works.".

SEC. 1189. The Secretary is authorized to acquire from willing sellers lands on which residential structures are located, which lands are subject to frequent and recurring flood damage, within the area being studied pursuant to the Passaic River Basin flood control study authorized by section 101 of the Water Resources Development Act of 1976. Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin. There is authorized to be appropriated $50,000,000 to carry out this section.

SEC. 1190. (a) In order to assure a fair and reasonable distribution of civil works contracts set aside for small and disadvantaged business, the Secretary shall, on a quarterly basis, transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report describing the number and dollar amount of contracts awarded in each industry category or subcategory broken down by Engineer District of the Army Corps of Engineers. Such report shall include the number and dollar amount of contracts (1) set aside for small business concerns; (2) awarded to small business or small disadvantaged business concerns; (3) available for competition by qualified firms of all sizes; and (4) awarded to other than small business or small disadvantaged business concerns.

(b) For purposes of this section, the term—

(1) "contract" means any contract, or any subcontract in connection with a subcontracting plan entered into pursuant to section 8(d) of the Small Business Act, as amended (15 U.S.C. 637(d)), which is funded through appropriations made available to the Corps of Engineers-Civil; and

(2) "industry category or subcategory" means the four digit SIC category or subcategory defined by the Small Business Administration.

SEC. 1191. Notwithstanding any other provision of law, the Secretary may dispose of any vessel, and any related equipment, which is under the control of the Corps of Engineers and is used for dredging, through sale or lease to a non-domestic government as part of a Corps of Engineers technical assistance program or to a Federal or State maritime academy for training purposes, or through sale solely for scrap to non-domestic or domestic interests. Any such vessel shall not be disposed of under this section or any other provision of law for use within the United States for the purpose of dredging. Amounts collected from the sale or lease of any such vessel or equipment shall be deposited into the revolving fund authorized pursuant to the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576), to be available, as provided in appropriations Acts, for the operation and maintenance of vessels under the control of the Corps of Engineers.

SEC. 1192. The Secretary is authorized and directed to construct a second lock 1,294 feet in length, 115 feet in width, and 32 feet in depth, adjacent to the existing lock at Sault Sainte Marie, Michigan, at full Federal expense and at an estimated cost of $240,000,000, in accordance with the Report of the District Engineer, dated .

SEC. 1193. (a) Notwithstanding any other provision of law, the State of California or any political subdivision thereof, or any non-Federal public body organized under the laws of the State of California, which is operating the William G. Stone Lock in Yolo County, California, under lease agreement with the Secretary may levy and collect tolls or other user fees from vessels using such lock. Such tolls or fees shall be in amounts not exceeding amounts necessary to recover the costs of operating and maintaining the William G. Stone Lock by such State, political subdivision, or public body under such lease agreement.

(b) Any lease for the operation of the William G. Stone Lock entered into by the Secretary after the date of enactment of this Act shall require the lessee to develop a plan of operation for such lock acceptable to Yolo County, California.

SEC. 1194. The Secretary is authorized to construct a water transmission line in Bristol, Tennessee, in order to provide a safe supply of water to such town, at an estimated cost of $5,000,000.

SEC. 1195. The Secretary shall—

(1) undertake a demonstration project consisting of the placement of earthen plugs at Noyes and Bull Whirl Cuts on the Umbrella Creek-Dover Creek system in the Satilla River Basin in Camden County, Georgia, for the purpose of reducing shoaling; and

(2) monitor the effect of such plugs on the estuarine tidal system for a ten-year period.

at an estimated cost of $500,000. The Secretary shall use the results of such monitoring to verify a hydrodynamic model which will allow the Secretary to reasonably predict the effects of cuts and closures in tidally-influenced estuarine systems.

SEC. 1196. The first sentence of section 108(k) of the Water Resources Development Act of 1974 is amended to read as follows: "There are authorized to be appropriated $156,600,000 to carry out the provision of this section, other than subsection (j) of this section.".

SEC. 1197. (a) The Secretary, on the recommendation of the Chief of Engineers, is authorized to permit the delivery of water from the District of Columbia water system at the Dalecarlia filtration plant, or at other points on the system, to any competent State or local authority in the Washington, District of Columbia, metropolitan area in Maryland. All of the expense of installing the connection or connections and appurtenances between the water supply systems and any subsequent changes therein shall be paid by the requesting entity, which shall also pay such charges for the use of the water as the Secretary may, from time to time in advance of delivery, determine to be reasonable. Payments shall be made at such time, and pursuant to such regulations, as the Secretary prescribes. The Secretary may revoke any permit for the use of water at any time.

(b) The Secretary is authorized to purchase water from any competent State or local authority in Maryland or Virginia that has, at the time of purchase, completed a connection with the District of Columbia water system. The Secretary is authorized to pay such charges for the use of the water as the Secretary has agreed upon in advance of delivery.

SEC. 1198. The Secretary is authorized to study measures to prevent flooding in the Thurman to Hamburg area of the Missouri River in western Fremont County, Iowa. Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study along with recommendations for measures to prevent such flooding. Pending completion of the study the Secre-

tary shall install pumping facilities in such area, at an estimated cost of $800,000.

SEC. 1199. (a) The Secretary is authorized to design, construct, operate, and maintain a Federal project for reduction of both flood damage and navigation maintenance on the Toutle, Cowlitz, and Columbia Rivers, Washington. Specifically, the Secretary is authorized to construct a single stage retention structure near the confluence of the Toutle and Green Rivers with such design features as the Secretary determines to be advisable, including justified measures to mitigate adverse environmental impacts associated with the project; except that, based on the results of Continuation of Planning and Engineering studies, the Secretary may select and implement a staged sediment retention structure at the confluence of the Toutle and Green Rivers or dredging alternative on the Toutle, Cowlitz, and Columbia Rivers if he determines that continuing monitoring of sedimentation and further analysis of benefits and costs provide compelling and convincing new evidence to justify selection of a staged retention structure or dredging alternative.

(b) Prior to initiation of measures authorized by this section, non-Federal interests shall agree to—

(1) convey or otherwise provide to the United States, all lands, easements, and rights-of-way which the Secretary determines to be necessary for project construction and maintenance, including borrow sites for the removal of material needed for retaining works and disposal sites for the disposal of excavated material;

(2) accomplish any alteration or relocation of buildings, roads, bridges, or other structures or utilities which the Secretary determines to be necessary in connection with implementation of the project;

(3) in the event local interests are unable to comply with paragraph (1) or (2) in a timely manner, provide a cash contribution to the United States, at such times and in such amounts as the Secretary determines to be necessary to allow acquisition of the property by the United States in accordance with project construction schedules;

(4) hold and save the United States free from damage due to design, construction, operation, and maintenance of the project except damages due to the fault or negligence of the United States or its contractors;

(5) operate and maintain any federally undertaken mitigation project which the Secretary determines to be justified; and

(6) maintain all dredged material disposal sites.

(c) All items of local cooperation shall be provided at the time needed, as determined by the Secretary, and without cost to the United States; except that in the event the Secretary selects a staged sediment retention structure or dredging alternative rather than the single stage sediment retention structure, any increase this selection causes in the cost of local cooperation requirements, as determined by the Secretary, shall be reimbursed by the Federal Government.

(d) Any goods and services purchased by the United States in connection with the project authorized pursuant to this section shall not be subject to the tax imposed by Chapters 82.04, 82.08, and 82.14 of the Revised Code of Washington and made applicable to contractors of the United States pursuant to Section 82.04.190(6) of the Revised Code of Washington.

SEC. 1199A. (a) The Secretary shall disclose petroleum product information to any State taxing agency making a request under subsection (b). Such information shall be disclosed for the purpose of, and only to the extent necessary in, the administration of State tax laws.

(b) Disclosure of information under this section shall be permitted only upon written request by the head of the State taxing agency and only to the representatives of such agency designated in such written request as the individuals who are to inspect or to receive the information on behalf of such agency. Any such representative shall be an employee or legal representative of such agency.

(c)(1) Requests for the disclosure of information under this section, and such disclosure, shall be made in such manner and at such time and place as shall be prescribed by the Secretary.

(2) Information disclosed to any person under this section may be provided in the form of written documents or reproductions of such documents, or by any other mode or means which the Secretary determines necessary or appropriate. A reasonable fee may be prescribed for furnishing such information.

(3) Any reproduction of any document or other matter made in accordance with this subsection shall have the same legal status as the original, and any such reproduction shall, if properly authenticated, be admissible in evidence in any judicial or administrative proceeding as if it were the original, whether or not the original is in existence.

(d) The Secretary shall not disclose information to a State taxing agency of a State under this section unless such State has in effect provisions of law which—

(1) exempt such information from disclosure under a State law requiring agencies of the State to make information available to the public, or

(2) otherwise protect the confidentiality of the information.

Nothing in the preceding sentence shall be construed to prohibit the disclosure by an officer or employee of a State of information to another officer or employer of such State (or political subdivision of such State) to the extent necessary in the administration of State tax laws.

(e) For purposes of this section, the term—

(1) "petroleum product information" means information relating to petroleum products transported by vessel which is received by the Secretary (A) under section 11 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1043; 33 U.S.C. 555), or (B) under any other legal authority; and

(2) "State taxing agency" means any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with responsibility for the administration of State tax laws.

(f) Section 11 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1043; 33 U.S.C. 555) is amended by striking out "$100" and inserting in lieu thereof "$500".

SEC. 1199B. (a) For any survey, planning, or design of any water resources project for the Upper St. John's River Basin, Florida, the Secretary shall give equal consideration to structural, nonstructural, and primarily nonstructural alternatives including, but not limited to, floodproofing of structures; flood plain regulation; acquisition of flood plain lands for recreational, fish and wildlife, and other public purposes; relocation; reductions in water demand; water-borne traffic scheduling; and vessel modification with a view toward formulating the most economically, socially, and environmentally acceptable means of solving the water resources problem.

(b) Subject to the provisions of subsection (c) of this section, if a nonstructural or primarily nonstructural alternative is recommended for a water resources project, non-Federal participation shall be equal to the non-Federal participation which would have been required if the most cost effective structural alternative had been recommended.

(c) Notwithstanding any other provision of law, except as provided in subsection (d) of this section, the non-Federal share of the costs for any water resources project on the Upper Saint John's River Basin shall not exceed 25 percent.

(d) Notwithstanding any other provision of law, a nonstructural or primarily nonstructural alternative shall be recommended by the Secretary for the Upper Saint John's River Basin if, in the survey, planning, or design of the water resouces project, the Secretary determines that the benefits of such alternative do not exceed its costs and if the non-Federal participant agrees to increase its share of the project costs by an amount equal to the difference between the costs and benefits of such alternative.

SEC. 1199C. The Secretary shall conduct mitigation activities recommended in the 1982 Environmental Protection Agency diagnostic feasibility study for Gorton's Pond in Warwick, Rhode Island, including the installation of retention basins, necessary dredging, disposal of dredged material, and weed harvesting and nutrient inactivation. There is authorized to be appropriated to the Secretary to carry out this section for fiscal years beginning after September 30, 1985, $730,000, to remain available until expended.

SEC. 1199D. The Secretary is authorized to construct a set of emergency gates in the conduit of the Abiquiu Dam, New Mexico, to increase the safety and enhance flood and sediment control, at full Federal expense and an estimated cost of $2,500,000.

SEC. 1199E. In order to restore and preserve the Acequia irrigation ditch systems in New Mexico and their cultural and historic values, the Secretary shall (1) undertake such measures as may be necessary to protect and restore the river diversion structures and associated canals attendant to the operations of such systems, at a Federal share of 80 percent of the cost of such measures; and, (2) study the feasibility of constructing flood storage reservoirs to enhance the overall effectiveness of the acequia water delivery system in San Miguel, Taos, Colfax, and Mora Counties in New Mexico. There are authorized to be appropriated to carry out the purposes of this section $40,000,000.

SEC. 1199F. The Secretary of Agriculture, acting through the Administrator of the Soil Conservation Service and in coordination with the Secretary, may study and conduct feasibility studies on authorizing any water resources development project—

(1) for flood prevention;

(2) for conservation, development, utilization, and disposal of water; or

(3) for conservation and proper utilization of land;

in excess of the size restrictions specified in section 2 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1002) if the benefits of such project accrue primarily to agricultural areas. The Secretary of Agriculture shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of any study conducted under the preceding sentence.

SEC. 1199G. In planning and implementing any navigation project (including maintenance thereof) on the Great Lakes and adjacent waters, the Secretary shall consult and cooperate with concerned States in selecting disposal areas for dredged material which is suitable for beach nourishment.

SEC. 1199H. (a)(1) For the multiple purposes of preserving, enhancing, interpreting, and managing the water and related land resources of an area containing unique cultural, fish and wildlife, scenic and recreational values and for the benefit and enjoyment of present and future generations and the development of healthful outdoor recreation, there is hereby established the Cross Florida National Conservation Area (hereinafter in this section referred to as the "Conservation Area").

(2) The Conservation Area shall consist of all lands and interests in lands held by the Secretary for the barge canal project referred to in subsection (b) of this section, all lands and interests in lands held by the State of Florida or the Canal Authority of such State for such project, and all lands and interests in lands held by such State or such Canal Authority and acquired pursuant to section 104 of the River and Harbor Act of 1960.

(3) Subject to the provisions of subsection (c), the State of Florida shall retain jurisdiction and responsibility over water resources planning, development, and control of the surface and ground waters pertaining to the Conservation Area, except to the extent that any uses of such water resources would be inconsistent with the purposes of this section.

(b) In order to further the purposes set forth in subsection (a)(1), the portion of the high-level lock barge canal from the Saint Johns River across Florida to the Gulf of Mexico, authorized by the Act of July 23, 1942 (56 Stat. 703), which is located between the Eureka Dam and the Inglis Dam (exclusive of such dams) is not authorized after the date this subsection becomes effective and shall not be authorized without a further Act of Congress enacted after the date this subsection becomes effective.

(c) Those portions of the barge canal project referred to in subsection (a) which are located between the Gulf of Mexico and the Inglis Dam and between the Atlantic Ocean and the Eureka Dam shall be operated and maintained by the Secretary for the purposes of navigation, recreation, fish and wildlife enhancement, and for the benefit of the economy of the region.

(d)(1) Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with the United States Forest Service, the United States Fish and Wildlife Service, and the State of Florida, shall develop, transmit to Congress, and begin implementation of a comprehensive management plan with respect to lands (including water areas) located in the Conservation Area.

(2) Such plan shall, at a minimum, provide for—

(A) enhancement of the environment;

(B) conservation and development of natural resources;

(C) conservation and preservation of fish and wildlife;

(D) scenic and recreational values;

(E) establishment of a procedure for the prompt consideration of applications for easements across conservation area lands, when such easements are requested by local or State governmental jurisdictions for a public purpose; and

(F) preservation and enhancement of water resources and water quality, including ground water.

(3) Such plan shall establish, among the Secretary, the Forest Service, the Fish and Wildlife Service, and the State of Florida, responsibility for its implementation.

(4) The Secretary shall transmit recommendations for protecting and enhancing the values of the Conservation Area to Congress together with such plan.

(5) Until transmittal of such plan to Congress, the Secretary shall operate, maintain, and manage the lands and facilities held by the Secretary for the barge canal project referred to in subsection (b), other than those lands described in subsection (c).

(6) The Secretary shall consult and cooperate with other departments and agencies of the United States and the State of Florida in the development of measures and programs to protect and enhance water resources and water quality with the Conservation Area.

(e) The Secretary shall operate the Rodman Dam, authorized by the Act of July 23, 1942 (56 Stat. 703), in a manner which will assure the continuation of the reservoir known as Lake Ocklawaha. The Secretary shall not operate the Eureka Lock and Dam in a manner which would create a reservoir on lands not flooded on January 1, 1984.

(f)(1) The Secretary shall acquire all lands and interests in lands held on the date of the enactment of this Act by the Canal Authority of the State of Florida for the barge canal project referred to in subsection (b). For acquisition of such lands and interests in lands, the Secretary shall pay the purchase price paid by the Canal Authority plus interest compounded annually at the average rate at which the Canal Authority borrowed funds for project purposes over the total period of financial commitment by the Canal Authority. In addition, the Secretary shall reimburse the Canal Authority for the purchase price paid by the Canal Authority for any lands and interests in lands for such project which lands and interests were transferred to the Secretary before the date of the enactment of this Act. The Secretary shall operate, maintain, and manage the lands and facilities acquired under this subsection.

(2) From amounts received under paragraph (1) of this subsection, the Canal Authority shall make payments to the counties of Duval, Clay, Putnam, Marion, Levy, and Citrus. Such payments shall, in the aggregate, be equal to $32,000,000. The amount of payment under this paragraph to each such county shall be determined by multiplying such aggregate amount by the amount of ad valorem taxes paid to the Cross Florida Canal Navigation District by such county and dividing such product by the amount of such taxes paid by all such counties.

(g) Subsection (b) shall not become effective until—

(1) the State of Florida enacts a law which assures that, on and after the date on which construction of the portion of the barge canal project referred to in subsection (b) is no longer authorized, all lands and interests in lands held by the State of Florida or the Canal Authority of such State and acquired pursuant to section 104 of the River and Harbor Act of 1960 will continue to be held by such State or Canal Authority, as the case may be, to carry out the objectives of this section;

(2) the State of Florida enacts a law which assures that, on and after such date, the State of Florida will never transfer to any person (except the Federal Government) any lands owned by such State and contained within the expanded boundary of the Ocala National Forest as proposed and shown on the map dated July 1978, on file with the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia; and

(3) the State of Florida enacts a law which assures that, on and after such date, the interests in the lands described in paragraph (1) held by the State of Florida is sufficient to carry out the purposes of this section.

SEC. 1199I. The Secretary, in consultation with the Secretary of the Interior and the Secretary of Commerce and appropriate State agencies, shall develop and implement projects for the creation, protection, restoration, and enhancement of wetlands in conjunction with authorized projects for navigation and flood control in the lower Mississippi Valley.

SEC. 1199J. (a) The Secretary shall waive local cost-sharing requirements up to $200,000 for all studies and projects in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The Secretary may approve the construction of projects in American Samoa, Guam, and the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands which may have a benefit to cost ratio of less than 1.0 if the chief executive of the government involved states in writing that the intangible benefits may be significant to the economic and social development of the insular area concerned.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 371, line 13, insert "(a)" after "1182.".

Page 371, after line 20, insert the following:

(b) The construction of any hydroelectric facility at a water resources development project of the Secretary within the Pacific Northwest (as defined in section 3(14) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839a(14)) shall be conditioned upon a determination by the Administrator of the Bonneville Power Administration at the time construction is to proceed that the project—

(1) will produce power that is necessary to satisfy the Administrator's statutory requirements, and

(2) will produce power at least cost and consistent with sound business principles.

Mr. WEAVER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WEAVER. Mr. Chairman, 5 years ago, the House passed and enacted into law the Northwest Power Act. What the Northwest Power Act did was set up a planning council in the Northwest, together with the Bonneville Power Administration to plan power projects in the Northwest. They stipulated that the power projects should be cost-effective and meet sound business principles.

All this amendment does is say any hydroelectric project in the Northwest, and only in the Northwest, should be brought under the umbrella of that Northwest Power Act, because newly authorized Corps of Engineers projects are outside of the act.

It stands to reason if we are going to plan our power needs in the Northwest that we need to have in the Power Planning Council the complete ability to consider all power planning projects. All this amendment does is bring newly authorized Corps of Engineers projects under the aegis of the Power Planning Council. It gives the Bonneville Power Administration the right to condition the determination of any hydroelectric facility on the basis that it produces power that is necessary to satisfy the administrative and statutory requirements, and that will produce power at the least cost and consistent with sound business principles.

So as I say, this is a housekeeping amendment simply to bring all projects in the Northwest under the aegis of the Northwest Power Act. It would simply give to the Bonneville Power Administrator, the Federal agency now marketing all power in the Northwest from the Columbia River system, the authority to determine whether a new project met the terms of the Northwest Power Act.

That is all the amendment does, and I ask the House to accept it.

I yield back the balance of my time.

Mr. CRAIG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my colleague from Oregon has told us that this is a simple housekeeping measure consistent with the Northwest Power Act. I have to take opposition with that approach toward describing what is a precedent move in who has the authority in the determination of certain types of projects that currently come under the responsibility of the Congress.

Under existing law and procedures, the Corps of Engineers are required to consult with the marketing agent or the Bonneville Power Administration in this case on particular corps projects. This does, in fact, happen and take the form of marketability determinations by BPA on individual projects.

When the Army Corps of Engineers was before our committee, this question was directly asked of them if they did consult with the other agencies involved, and they said, of course they did, and where there was a question of marketability and there was a recommendation on the part of the Bonneville Power Administrator or other agency that this was not an appropriate type of project, that advice or recommendation was taken under major consideration in the ultimate decision-making process.

But the bottom line is, where does the decision on projects rest? It certainly rests with the appropriate authorizing committee and with the Congress. For the first time, we are suggesting, or my colleague from Oregon is suggesting, by this amendment that we are going to allow a regional group, in this case the Bonneville Power Administration Administrator, to have veto power, veto power by his act of simply saying no, that is not consistent with what he believe to be necessary for the region.

I think this is a precedent-setting move that takes the ultimate authority and the responsibility to make these kinds of determinations away from the appropriate authorizing committee, and, more importantly, the Congress of the United States.

For that reason, I would have to stand clearly in opposition to this amendment. I think it is sweeping in nature, and I think the Members of this body have to ask themselves, are they willing to give up their own authority and grant it to an appointed official who happens to be director of a power marketing system, or in this case, the Bonneville Power Administration in a region where the decisions we make are very critical to the entirety of the region and the well-being of its people.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I am happy to yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, it appears to me that the Members from the Northwest have not had time to examine this amendment. I want universality from the Northwest on this amendment because I am doing this for the Bonneville Power Administration.

Therefore, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. Are there further amendments to title XI?

Mr. ANDERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when the conference committee convenes on this legislation, I hope that careful consideration will be given to the bill's local user fee section.

Many U.S. ports—including the Ports of Los Angeles and Long Beach in my area—are deeply concerned that they will not be able to finance the costs associated with their projects due to restrictions in section 109 of the bill.

Language reported by the Merchant Marine and Fisheries Committee on the local fee issue could provide a good compromise between shippers and port interests.

I hope the chairman will further examine this section of the bill.

Mr. Chairman, that is my inquiry.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, if I may respond to the gentleman from California, we are alerted to the gentleman's deep concern about this, which we do share, and I assure the gentleman that we will be reviewing this as we proceed in the process.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WISE: Page 399, after line 5, insert the following:

SEC. 1199K. The Secretary shall carry out emergency flood recovery measures in the 33-county area of West Virginia for which the Governor of West Virginia requested a declaration of emergency or major disaster under the Disaster Relief Act of 1974 with respect to the flooding occurring on and after October 31, 1985. The State of West Virginia shall not be required to reimburse the United States for any emergency flood recovery work carried out by the Secretary in such area as a result of such flooding.

Mr. WISE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

□ 1600

Mr. WISE. Mr. Chairman, this amendment is offered by myself and the other members of the West Virginia delegation; Congressman RAHALL, Congressman STAGGERS, and Congressman MOLLOHAN.

During the last 2 days, massive flooding has ravaged 33 counties in West Virginia, the worst flooding in at least 100 years. Yesterday, I spent most of the afternoon in a boat floating through the streets of Weston. Thousands homeless; roads and bridges destroyed; the State's entire National Guard was activated.

West Virginians are tough, Mr. Chairman, we will dig out and we will be stronger than before. We appreci-

ate the committee's assistance in looking at our situation. What the amendment does is simply permit the Army Corps of Engineers to perform the necessary flood recovery work, the emergency flood recovery work, without requiring reimbursements in the State of West Virginia.

Mr. ROE. Will the gentleman yield?

Mr. WISE. I yield to the gentleman.

Mr. ROE. Mr. Chairman, we have examined this amendment on our side and we find it to be completely in order, and we understand what the emergency situation is in West Virginia. So we accept the amendment.

Mr. STANGELAND. Will the gentleman yield?

Mr. WISE. I yield to the gentleman.

Mr. STANGELAND. I thank the gentleman for yielding. We have reviewed the amendment on this side, Mr. Chairman. In light of the emergency situation, this is a very appropriate amendment and we support it.

Mr. WISE. We in West Virginia thank you very much.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETRI: Page 399, after line 5, add the following new section:

SEC. 1199K. Notwithstanding any other provision of law, the unpaid balance of principal allocated to power for facilities constructed by the Secretary, including that portion of the unpaid balance of principal for such irrigation facilities to be repaid from power revenues, shall be repaid annually beginning in fiscal year 1988 at a level not less than would be required under straight-line amortization schedule, as applied separately to each investment placed in service; *Provided*, That this amortization schedule may be phased in over several years, starting in 1988, if necessary to limit to five percent per year the annual increase in revenue requirement that is solely attributable to the increase in scheduled repayments required by this section, compared to the most recent repayment schedule approved by the Federal Energy Regulatory Commission; *Provided further*, That principal repayments may be deferred in years with low hydro-electric generation, subject to the same terms and conditions applicable to deferred payments of interest.

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Chairman, this amendment would require straight line amortization of the remaining principal balance on all Corps of Engineers hydropower projects. This would be a small step toward sounder financial practice. It would put the repayments for these projects on the same basis as a standard home mortgage.

This change has been recommended by the Grace Commission and many other organizations through the years, including the Chief of Engineers of the Corps of Engineers, the Federal Energy Regulatory Commission, the Inspector General of the Department of Energy, the General Accounting Office, and the Energy and Water Subcommittee, House Appropriations Committee. In fact, I have here a whole stack of reports recommending it.

Let me explain what is going on. It has been longstanding Federal policy to recover 100 percent of the cost of hydropower facilities through the sale of power. Unfortunately, various stratagems have been used to undermine that policy. The worst of these, which I am not challenging today, is the assigning of artificially low interest rates to these projects. For example, the second powerhouse at Bonneville Dam was placed in service from 1981 to 1983, at a time when short-term Treasury rates were in the high teens and long-term Treasury rates were in the mid teens. And do you want to guess what interest rate was assigned to this $639 million project? It was 3¼ percent. That's right. At a time when our Nation's taxpayers were paying 15 to 18 percent to borrow money, they were turning around and loaning it out to the Bonneville Power Administration and its customers at 3¼ percent. That represents a tremendous subsidy to the consumers of this power. In fact, the range of interest rates on corps projects under the Bonneville Power Administration is from a low of 2½ percent to a high of 6⅞ percent.

Now as I said before, I am not challenging these interest rates today. But Bonneville and its customers are not satisfied with these subsidies. They have a further stratagem to increase their subsidies, which I am challenging today in this amendment. They apply all principal repayments to those projects carrying the highest interest rates. In this way they reduce future interest payments on the high interest projects and achieve a cross-subsidy from the lower interest projects to the higher interest projects. It's as if you had an older home mortgage at 6 percent and a vacation home mortgage at 12 percent, and you asked your friendly neighborhood banker if you could apply all the principal repayments from both mortgages to the vacation home, thereby retiring that debt early and lowering your total interest payments. You wouldn't get very far, and neither should Federal bureaucrats with the same practice.

This amendment would simply make the repayments for corps hydro projects as businesslike as your home mortgage payments, with a phasein starting in 1988, and with a provision to lower payments in low water years with low power generation. It is an extremely modest step toward actually recovering the full taxpayer investment in hydroelectric power facilities.

OMB estimates that this amendment would increase repayments to the Treasury by $170 million per year when fully phased in by 1990. Four-fifths of that, or $138 million, would come from the Bonneville Power Administration in the Nothwest. If the entire burden of that increase were placed on residential customers so as not to threaten in any way the viability of any business, residential electric rates in the Northwest would rise at most from 46 percent of the national average to about 49 percent of the national average. In other regions the effects would be almost negligible. In areas served by the Southeastern Power Administration, retail rates could rise by about one-half of 1 percent. In areas served by the Southwestern Power Administration, retail rates could rise by 1.7 percent. In areas of the Great Plains served by the Pick Sloan Project, there would be no impact at all, because repayments there are already ahead of what straight line amortization would require.

This amendment is supported by the administration, the National Taxpayers Union, and most of the major environmental organizations. It is one modest step toward sounder financial management. It does not challenge the tremendously subsidized interest rates on hydropower facility debts. It just requires those debts to be repaid in a businesslike way.

Mr. Chairman, we hear a lot of talk around here about the need to cut the deficit. Here's a chance to take a responsible step to cut the deficit by $170 million with virtually no pain to anyone. I can understand why members from the Northwest will oppose this, because no one likes increases in electric rates no matter how favored he or she might be already. But if the rest of my colleagues can't support this step, what measures can they support to deal with our No. 1 domestic problem? We have here in this little amendment an easy test of our willingness to do something about those terrible deficits we all posture against.

I hope we pass this test.

I urge all my colleagues to vote for this amendment.

Mr. STANGELAND. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Wisconsin [Mr. PETRI]. There are many reasons why this amendment should be rejected.

The Petri amendment would unilaterally and unjustifiably change the current power repayment schedules. Under the existing repayment system, power customers must repay the total Federal investment over a 50-year period. The Petri amendment would ignore market conditions and the lessons of past experience to require levelized annual payments by the power marketing agencies.

Why should we change something that already works? We must remember that power revenues face unpredictable fluctuations. The current pay back system takes into account the continually changing market conditions and gives power marketing agencies the flexibility to vary the amount of repayment from year to year. For example, in high water years when more revenues are generated, power marketing agencies pay larger amounts on the debt. In low water years, when less energy is produced and revenues decrease, the power marketing agencies may wait until the following year to make their scheduled repayments. Even then, they would be subject to substantial interest penalties. The Petri amendment, which requires straightline amortization, would throw this whole system into disarray. It would ignore the practical realities of hydropower.

Perhaps the most disturbing aspect of the amendment is that it would impose a massive rate increase on power consumers. Conservative estimates indicate that the Petri amendment would cost Bonneville Power Administration ratepayers $70 million in additional rates for hydropower and $15 million for irrigation. Similarly, in the midwest, power is derived from the Pick-Sloan system, which would also be adversely impacted. Most Pick-Sloan power users are farmers, ranchers, and other persons dependent upon the agricultural economy. We all know how critical and perilous the agricultural conditions are in the Great Plains region. Mr. PETRI's amendment would add to these problems by creating unnecessary and unreasonable rate increases.

Mr. Chairman, a similar proposal emanating from the Office of Management and Budget last February, was soundly rejected by both the House and Senate Appropriations Committees. I think these were wise decisions. We should follow them.

Mr. Chairman, I would also like to read into the RECORD a letter from a former, very distinguished Member of this body, my predecessor, Bob Bergland, who also was Secretary of Agriculture.

He says, and I quote:

The proposed Petri amendment would change the long established accounting methodology for Federal hydroelectric projects, and would thereby substantially raise the wholesale cost of electricity purchased from these projects by some 650 rural electric cooperatives. As the national association representing more than 1,000 such electric cooperatives which serve about 25 million people in 46 states, we express our strongest opposition to the Petri amendment and urge its defeat.

Under present practice, Federal power marketing administrations set their wholesale rates to recover the full Federal investment in power facilities over a 50 year period and defray all operation and maintenance costs. All of the Federal power marketing administrations are current in their repayment obligations.

For all of these fundamental reasons, I urge my colleagues to reject this far-reaching amendment.

□ 1610

I think this is good advice from a respected former colleague.

Mr. Chairman, I urge that the Petri amendment be defeated.

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. PETRI.

This action would, if approved, require Federal power marketing administrations like the Bonneville Power Administration which provides power to more than 100 utility companies in Oregon, many in my own Second Congressional District, to use a fixed-year straightline amortization system for repayment of Federal investments.

Of the total $170 million new Federal income which Mr. PETRI anticipates from this amendment, fully four-fifths, more than 80 percent, would come from the BPA alone. Obviously, I have a critical interest in this measure.

Mr. PETRI's amendment simply should not be under consideration today. Though the change in repayment systems was suggested by the administration, it has already been rejected by both House and Senate Appropriations Committees. And even though it seeks to accomplish a complicated and highly controversial change, it has never been explored in any kind of congressional hearing.

Simply stated, this is not the kind of issue that should be decided in a few minutes of general debate on the floor of the House.

The sad fact, however, is that the amendment is here. As such, you should know something about it.

On the most basic level, the Petri amendment is a question of fair play. It amounts to changing the rules in the middle of the game. Federal power marketing administrations like BPA contracted under specific and well-defined terms for the use of Federal construction capital. Rates were established to meet those terms.

Now, in a period of particularly high need for new Federal revenue, Mr. PETRI's amendment suggests that original agreements don't count.

Without even considering the economic impact on my constituents, I just don't think anyone can justify this kind of change of the rules. It would be like suggesting in the last inning of the sixth game of the World Series that the underdog team can have four outs instead of three.

I realize that many, in this House, in the administration and in the power production business around the country, believe that the Pacific Northwest is sitting on top of the world with cheap hydroelectric power. And many, privately covet what they consider to be a grand advantage, harboring the notion that cheap power would settle all of the industrial and economic development problems in their own area.

Well, I want to tell you, not so.

Allow me to share just a little insight on the economic problems this would cause in my own district, my home State, and the entire Northwest region.

The Pacific Northwest, and Oregon in particular, has yet to reach the stage of economic recovery that most other regions of the United States have already reached. Our timber industry is still in the dumps and double-digit unemployment lingers in far too many Oregon timber-producing communities.

Things are no better in the high-energy usage businesses of aluminum production and irrigated farming. In those, any increase in BPA rates threatens to not just hurt, but kill the remaining businesses which are today just barely holding their heads above water.

This amendment would dramatically increase power rates from BPA by forcing them to charge bloated power rates for the sake of meeting a fixed-rate repayment schedule in the bad years as well as the good.

This year, BPA faithfully paid $682 million in interest, principal and operating costs exactly as they would be paid under this plan. Indeed, we were fortunate that this year it could be done.

But to remove the flexibility of the original repayment schedule, which allows an occasional repayment year below full principle, would be to balloon an unbearable mandate on the Pacific Northwest.

It would mean loss of an estimated 50,000 jobs—about 10 years of normal economic growth in the Northwest. I don't need to tell the Members of this Congress—most of whom have watched the cycle of economic stagnation in the industrialized Northeast—what happens when you break the backbone of a State's industrial base.

Mr. Chairman, colleagues, I urge you to oppose the Petri amendment. It is ill-advised, inadequately studied, often-rejected, unfairly created, economic poison for the Pacific Northwest and Oregon. It must be defeated.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I oppose any amendment that would revive the infamous plan of last year put forth by the

Office of Management and Budget that would have immediately more than doubled the bills for electric power to dozens of the cities and towns in my district dependent for all or part of their needs upon hydroelectrically generated power from Federal facilities.

This sharp additional cost would have been passed on immediately to the desperately financial troubled farmers, ranchers, businessmen, and all consumers generally in rural Nebraska.

Testimony before my Appropriations Subcommittee on Energy and Water Develpment earlier this year revealed that the cost to Nebraska's municipalities alone would have jumped to more than $6.7 million this fiscal year from only about $3.7 million in the previous 12-month period.

It is my understanding this amendment by the gentleman from Wisconsin will be aimed at making these towns and their power customers begin paying higher bills by requiring a straight-line amortization, including interest at current rates.

This would break agriculture—pure and simple, if imposed too quickly. Even if the proposed cap of an annual increase of 5 percent were adopted, it would still be an unwarranted burden on people who already are in deep trouble.

Last year, Congress rejected the idea out of hand. I ask my colleagues to reject it again—as it should be, at least until prosperity again smiles on our agricultural sector.

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, there are a lot of reasons why the Petri amendment should be rejected, but the major one is that this amendment is patently unfair and discriminatory. Public works projects by the hundreds have been funded directly and completely by the Federal Government. We have all benefited from them. The entire Nation has benefited from public works projects that were virtually paid in toto by the Federal Government. That is not the kind of project we are talking about here. We are talking about projects, the full cost, every penny of the principal is being repaid by the ratepayers of those power marketing areas, with interest.

The irony is that had this been one of those projects that was paid for fully by the Federal Government, there would not be any repayment schedule on which to attach this amendment.

The fact that we are paying for these projects out of the rates of the people who benefit most directly is what sets up the mechanism to harass people in the power marketing areas.

Let me make another point. It is charged that somehow we are getting some special deal, and yet in any business you would amortize something over the useful life of that capital expense.

We are repaying over 50 years. Virtually every one of these dams has a useful life of 35 years. We have given up 35 years of amortization in an agreement with the Federal Government in which we repay every penny of the principal with interest.

That is a good deal for the Federal Government, it is a good deal for the people as well.

One last point: The gentleman made an analogy with regard to your home loans. Consider this: Who would let their banker unilaterally renegotiate their home loan contract half-way through that contract? Which is precisely what this amendment would do. It is patently and directly unfair, it does not take into consideration the deal that the ratepayers have given the Federal Government, and it is unilaterally renegotiating a contract that was made in good faith years ago.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I will be happy to yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment my colleague from Washington for having made a very correct statement. Just so that our colleagues again understand it, the gentleman made a very important point: It is the ratepayers of the Pacific Northwest who are paying back the money for these dams. It is not the rest of the country. That is No. 1.

Second, on September 30 of this year, Bonneville made a payment of $682 million to the Treasury. Of this amount, $226 million was principal, $374 million was interest, and $82 million was for O&M costs.

Now, they have made a Herculean effort to get back on their payment schedule, and yesterday the Administrator of BPA said we are now back on our payment schedule.

So I would hope that the House would reject this amendment. I do not think it is necessary. We are back on our schedule. We are paying because we want to pay back the money that was used for these facilities. Again, it is the people of the Northwest who are paying those bills.

Mr. Chairman, I would like to join my colleagues in expressing my strongest opposition to this amendment, and I urge the House to reject it convincingly. While I believe that Mr. PETRI may have had the best of intentions in offering the amendment, what he has actually done is to offer a proposal that will have a major and dramatic adverse impact on large sections of our country. While it is true that the greatest impact will be on the Pacific Northwest, both Southeast and the Southwest have projects which would be included under the repayment provisions. This proposal has never undergone hearings or any formal consideration by any committee or subcommittee in this Congress, and did not even exist on paper just 3 days ago. It has already gone through numerous changes since its original draft, and still contains technical problems which clearly indicate a lack of understanding of power marketing operations which will make its application extremely difficult.

First of all, let me try to explain, in the simplest terms, how the Bonneville Power Administrative finances its construction program. BPA takes out loans, just like you and I do when we're purchasing a house, and then repays these loans over a 50-year time period. During the early years, the payments are mainly made up of interest, with very little principal, and these proportions shift over as the payments are made. During the latter years of each loan it is largely principal with very little interest. This shift takes place even though the total amount paid by BPA each year remains constant.

Many of us have home loan payments that operate in this same manner, as does most of the business world. The alternative is a balloon payment program, during which annual principal payments are low with a large final payment when the loan is finally due. But no one, to my knowledge, would take out a loan which requires a balloon payment during the first years, and then tapers off during the last years of the loan—which is effectively how this amendment would force BPA to operate.

On September 30 of this year, Bonneville made a payment of $682 million to the Treasury. Of this amount, $226 million was principal, $374 million was interest, and $82 million was O&M costs. Because the Petri amendment is so new we have not had the opportunity to determine exactly what its impact will be, but according to OMB, during 1988, which is the first year the amendment would go into effect, BPA would have an increase of $112 million in payment of principal, and this would go up to $136 million by 1989. This is a 50-percent increase in the payment of principal, a 50-percent increase which this amendment would sanction without even a hearing on its potential impact. So don't let anyone tell you that this is a minor change in repayment that won't really affect anyone, it is simply not the case.

The second point that I would make is that, presumably, the entire reason for this amendment is to make sure that power marketing administrations such as Bonneville make timely and regular payments to the U.S. Treasury. If this is the case, it is unnecessary because BPA is operating on a sound fiscal basis, and is completely up to date in its payments to the Federal Treasury of both principal and interest. In all, BPA has made a total payment to the Treasury of $5.5 billion; $865 million of this amount has been repayment of principal.

I would like to draw your attention to the fact that this amendment is offered to H.R. 6, the omnibus water resources bill. I find a certain degree of irony in this fact, because the Bonneville projects this amendment affects are already unique in one respect from any other project included in this bill—their costs are already being paid entirely by the regional ratepayers. Yes; that's right, the only case of 100 percent local cost sharing you will find in this bill. There are a number of projects included in H.R. 6 which are being paid for entirely by the Federal Government—obviously there is no issue of repayment schedules here because there is no repayment being made. Period. The remainder of the projects are paid for jointly by the Federal Government and local governments—again, no one is even considering having the Federal contribution repaid.

Yet in the BPA projects we have a unique situation in which local ratepayers have agreed to repay the Federal Government the entire cost of building the projects, plus interest, and now we stab them in the back for their efforts and try to make them pay back the loans faster, against all concepts of good business practice or logic. It can hardly escape the ratepayers of the Northwest that if they had not agreed to repay the Federal Government in the first place, they would not be faced with this amendmemt today.

I would also point out to ratepayers all over the country that may enjoy the benefits of projects included in this bill that the amendment being offered today is a retroactive change in existing schedules. The only example I can find to compare this to is to imagine that we pass this bill, and the projects it authorizes are built, and years down the line some Congress, with no hearings or any other type of review, decides that the cost-sharing provisions should actually have been 50 percent and retroactively imposes the new requirements. You can well imagine the effect such a proposal would have on everyone already paying the original local share on the projects.

The Federal Government made a commitment to the ratepayers of the Pacific Northwest years ago, that has been confirmed regularly until today, that repayment of Federal loans would be in the lowest cost manner consistent with prudent business practices. That is how BPA has operated during this time period, and the entire Northwest economy has been built upon this presumption. Our entire region is still reeling from the effects of the recession that crippled the rest of the Nation just a few years ago. We have not yet seen the economic recovery that this administration promised every region of the country.

Unemployment in our most fundamental industries such as timber and aluminum still hovers around 30 percent. In many counties, one in every three citizens is still unemployed. Many of those businesses which remain are tottering on the brink of bankruptcy. Rate increases which were necessitated by the WPPSS debacle easily exceeded 700 percent, and have only recently stabilized to about the rate of inflation. Our ratepayers, both commercial and residential, have clearly shown they cannot absorb yet another increase in rates. The last rate increase of 5 percent which was approved in 1983 resulted in an overall decrease in load utilized by BPA customers.

Obviously, those most affected are the poorest of our citizens, who cannot afford even a small increase in their power rates. Unfortunately, in the Pacific Northwest, no one customer class has recovered from the recession, so there is nowhere to shift the burden of the increase. If you try to protect small businesses, you incease the impact on direct service industries and consumers. If you protect consumers, thousands of marginal businesses could go under. No matter where you look, the results are increased unemployment and decreasing revenues to Bonneville.

I will conclude my comments by again strongly urging my colleagues to oppose this amendment. If Congress is to impose such a dramatic change in repayment methodologies for power marketing administrations we should do it in a logical, coherent manner with the introduction of a bill on the issue and hearings in the authorizing committees. It should not be the result of a quickly drafted amendment that is only offered 1 day before a vote, which no one can clearly interpret or analyze. If we're going to do this, let's do it correctly, so we can really say to our constitutents that we knew what we were doing.

Thank you Mr. Chairman.

Mr. SWIFT. I thank the gentleman for those remarks.

Mr. Chairman, I would add and point out it is not only the Pacific Northwest affected by this amendment, because it also deals with the Western Area Power Administration, the western Missouri River basin, the intermountain States, Texas, Oklahoma, California, the Southeastern area, Southwestern area as well.

Mr. CHANDLER. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Washington.

Mr. CHANDLER. I thank the gentleman for yielding.

Mr. Chairman, I compliment the gentleman for his leadership on this issue. I simply would like to add that this is no time to hit the Pacific Northwest with an economic broadside. We are having enough trouble in our agricultural sector, our forest products sector, our aluminum smelting sector. This would simply add to the economic woes that have already crippled many of the areas in our State.

I thank the gentleman for yielding. Again, my compliments to the leadership of the gentleman on this issue.

Mr. SWIFT. I thank the gentleman for his contribution.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman.

Mr. FAZIO. I thank the gentleman for yielding.

I would like to compliment the gentleman on the leadership he played on this occasion and on so many other occasions when this particular attack has been made.

My constituents at SMUD in Sacramento have had a 28-percent increase in their rates this year. This very ill-considered amendment would increase the rates they pay by another $10 million within this calendar year. I want to associate myself with the remarks of the gentleman.

Mr. Chairman, there are many good things in this bill which we are debating and amending today. These things extend from special provisions enabling a local takeover of operating costs for the William G. Stone lock in my own district, to the largest coal exporting ports on the east coast. The bill's main achievement, however, is that it breaks a drought which has persisted since 1970 on the development of new port, flood control, and environmental enhancement projects which this Nation has very badly needed.

Before I turn to a discussion of these, however, I would like to applaud the bill for one thing it does not include. That is an overturning of the established formula for the repayment of hydropower obligations by Federal power customers. An amendment to impose a so-called straight line amortization schedule on these customers may be offered today. It should fail, because it presumes several things which are not true:

It is not true that Federal customers are paying their debt back more slowly than current 50-year shedules call for

Nor is it true that the current schedules fail to recompense the Government quickly enough.

And it is not true that the customers can simply regularize their debt payments regardless of the amount of hydropower the Government provides them, because that amount is dependent on the weather.

The amendment should also be defeated because it confers upon the Federal Energy Regulatory Commission powers over the Energy Secretary which it does not now have and which it should not be given. Last, the amendment seeks to impose on Federal customers higher interest rates for the shortfalls in their payments during times when hydropower is not plentiful. On such occasions Federal customers pay less to the Government to reflect the smaller amount of power they receive. To hold the customers to a higher repayment for power that they are not getting, or to consider the forgone payment a loan to be paid back at higher interest rates, is unfair.

The amendment to be offered by my colleague from Wisconsin echoes back to broader proposals made by the administration at the onset of the fiscal year 1986 budget debate. Rate increases imposed unilaterally and in violation of existing contract provisions between the Federal Government and its customers would have

caused substantial dislocation among these customers, who include my own constituents served by the Sacramento Municipal Utility District. This amendment seems more narrowly crafted, to affect only corps dams and thus not the central valley project facilities which serve us. Nevertheless, as a matter of principle, retroactively changing the arrangements between the Government and its customers is not right.

Further, we can safely assume that if this policy were adopted to affect corps dams, it would be inconsistent for the Congress to fail to extend it to affect all Federal dams, including the Bureau of Reclamation's. The total affect of such a move on the Western Area Power Administration within 4 years from today would be $54 million a year, almost $30 million of it attibutable to boosted rates charged by recipients of power from the existing Pacific Northwest intertie and the Central Valley project. My SMUD constituents have already suffered a 28-percent rate increases in the past year; since they pay roughly one-third of the Federal bill, this single ill-considered amendment would cost them $10 million.

We have an infrastructure in this Nation which was planned and built essentially in the forties, fifties, and sixties. The national and world economies have changed drastically since then. Trade patterns have altered with the changing fortunes of individual nations. We need larger ports in new locations to handle new commodities between different destinations in larger, modern vessels. Urban and suburban development has exploded all over the Nation, establishing new requirements for flood protection and water supply. Our encroachments on the environment have created new pressures for mitigation above and beyond those attributable to a new sensitivity to environmental values.

Moreover systems we developed in the post World War II era, and in many cases well before that, have deteriorated even where their designs may not have become obsolete. Particularly in the older regions of the Nation need is intense for rehabilitated or better integrated water supply systems. This Nation has devoted many decades to the development of water supply systems for cities and agriculture in the West. It is appropriate now that we turn greater attention to the problems in the East, where so much capital was raised in past years to invest in the West.

This bill does all these things. It does so in a way that most of the needs we have can still be financed within the requirements the bill imposes on local jurisdictions to share in the cost. It has been cost sharing—not a failure to recognize the needs enumerated above—which has prevented this omnibus legislation from passing. The issue is particularly sensitive in our new budget climate, where the Federal burden must be reduced and where a stiffer test is required of local interests in order to weed out those projects which perhaps have less merit than others.

I say perhaps because a local inability to pay is not always a sign that a project is not important or valuable. In fact, a local inability to pay may signify that basic infrastructure improvements are more needed in that place than they are where plenty of cash is available. One of the secrets of our Nation's strength is that the Federal Government has invested tax funds, garnered from regions where economies are strong, in regions where the economy has yet to become strong. This is so particularly when the investment is infrastructural, the sort of facility which is so basic to the functioning of the economic and social system that it is virtually impossible to isolate and rank the beneficiaries for purposes of charging them user fees.

The cost share provisions in this bill approach and, frankly, will exceed the ability of some local sponsors to commit the cash required up front. In that sense the bill represents a levelling off of our aspirations for our economic development, a statement that in some instances those who do not have will not get, whereas before the presumption was always that basic investments will pay off even if—especially if—they were made among the have nots.

Nevertheless, the bill still injects stimulus into regions that would not be able to enrich themselves. Though we are reigning in our ambitions, this bill still makes badly needed progress.

It is far better than the alternative promoted by the other body and the administration, where the philosophy seems to prevail that you need no Federal assistance if you cannot afford it by yourself anyway. For instance, in my own district the Port of Sacramento, authorized by this bill as it was by the supplemental appropriations bill last spring, will have to contribute 25 percent of its total cost in cash during the time of construction. The official figures in this bill list this obligation as a $92 million Federal cost supported by a $33 million local contribution. I have some reason to hope and expect that the final costs for this project will not total $125 million as the corps' October 1984 figures would have it. I am also told that these figures are subject to significant readjustment as requirements and designs of the project are made final.

Nonetheless, these figures illustrate how these percentage requirements are significant local burdens, difficult burdens for a newer port which has yet to build up the business that older ports have been able to establish under the former financing systems.

The local cost is made far worse by the necessity of obtaining lands, easements and rights of way. In the case of Sacramento these amount to roughly $23 million, almost 20 percent of the total project. The principal reason why the House bill is more fair than the Senate bill is that it acknowledges the burden this cost puts on the local sponsor, and credits the sponsor with having to pay it.

The Senate-administration bill, as I understand it, would allow lands easements and rights of way to apply only toward 5 percent of the total project cost, in this case about $6 million. The balance of the lands, easements, and rights of way obligation would not go away, but would have to be absorbed entirely by the local sponsor.

In short, under the Senate proposal the local sponsor at Sacramento would be required to contribute much more than $33 million in cash. Only $6 million of that could be offset by $23 million in lands, easements, and rights of way costs. The local sponsor would still have to absorb $17 million of the latter, on top of the basic $33 million cost-share requirement.

I do not know whether Sacramento can raise capital from conventional sources to finance a debt that large. All the benefits to a port do not accrue in ways direct enough to tap. Sacramento might not be able to afford the burden that the administration would impose. This is not a matter of lacking merit. The cost-benefit ratio is a strong 2.3 to 1, despite inclusion in the corps' October 1984 figures of salinity repulsion sill which might not turn out to be necessary.

This is not the only instance in which the administration is blind towards very tangible local contributions. The administration is now negotiating cost share terms with local sponsors whose projects were funded in last summer's supplemental. The corps representatives are requiring that the local flood control sponsors contribute a minimum of 5 percent of a total project cost in cash during the period of construction, which was a condition established during Senate negotiations with the administration.

I understand that the administration has been unwilling to give the local sponsors credit towards this cash requirement for cash expenditures they have already made, even though they were made to implement recognized features of the project while waiting for the new starts impasse to break. Thus local sponsors would be penalized for having taken initiatives that were Federal responsibilities during that long 8-year period when the Federal Government was paralyzed with indecision on water projects. This posture seems unfair and hypocritical to me, since those local sponsors who ventured nothing on their own will now get full credit for the expenditures they will make henceforth.

I urge our House conferees to adhere strictly to their positions when they meet with the Senate over the final provisions of this bill. The outcome of those negotiations will determine in great measure whether this is a bill for America as a whole or simply those portions of America which were lucky enough to have gotten their public investments already.

Besides the Port of Sacramento, there are a number of valuable provisions in this bill for Northern California and for my constituents in particular:

I am deeply appreciative of the committee's special consideration of Sacramento's attempts to assume financing responsibilities of Stone Lock, a facility which is of great value to Sacramento's recreational boaters and perhaps to the economy of its renovating waterfront as well.

The Corps of Engineers has decided that the fall-off of commercial traffic through

the lock in recent years required its mothballing in late 1982. Of the 7,500 vessels a year through the lock carrying 19,800 passengers, 97 percent were recreational boats. While this recreational activity may not be a Federal interest, it is of great importance to local government, which has been searching for mechanisms to finance the lock's estimated $25,000 per year operating costs under a lease from the corps.

Funding constraints on local governments in California have prevented Sacramento from devising these mechanisms. The ability to charge fees of the lock's users, even though the lock is remaining in the ownership of the corps, will mean that the lock will be available to the boaters who need to traffic between the main Sacramento River and the port's deepwater ship channel.

Perhaps more significant in the long run, an operating lock could provide the economic margin for commercial tour boats between San Francisco and Old Sacramento, the one-time terminous of heavy river traffic during the Gold Rush. Inability to charge these boats fees would mean the lock could not be used, and without the lock the tour boats could not make a round trip to San Francisco quickly enough.

The committee's inclusion of the Stone lock provisions implements a bill introduced by my colleague BOB MATSUI and myself for the past several Congresses. I am personally appreciative of provisions which ensure that Yolo County will be consulted when a schedule for opening the lock and thus interrupting Jefferson Boulevard traffic is determined.

The bill would enable the $37 million Cache Creek flood control project to proceed. I am especially grateful to Chairman BOB ROE for his support of my request that the settling basin near Woodland at the downstream end of the project be acquired in fee title as a 3,600 acre wildlife refuge. The corps had dropped the refuge from the project plans. I appreciate the committee's restoration of it to the bill.

The committee also saw fit to include two important environmental mitigation provisions for the Sacramento River at my request, one of which would authorize the corps to participate in environmental improvement programs from Collinsville to Shasta Dam. Mitigation authority is especially important for the salmon fishery remaining between Chico Landing to Red Bluff, where controversy has plagued bank stabilization years. The corps has been essentially passive in the face of these problems, being confined to the terms of its old authorization. I am hopeful that this mitigation authority will enable the Federal Government to respond more creatively to the problems stabilization causes.

In another instance, the committee has adopted the provisions of a bill introduced by myself and Representative GENE CHAPPIE in 1981, to implement a mitigation plan for the Federal Government to pay 63 percent of the $3 million necessary to purchase 668 acres of riparian habitat along the Sacramento south of Chico Landing. This new authority would enable the corps to mitigate damages caused over the last several decades by phase I of the Sacramento bank protection project, which consists of flood protection levees from Collinsville to Chico. The program fulfills a requirement established by then-Governor Reagan's state administration for continuation of the bank protection project into its second phase.

The bill would authorize badly needed restoration of Sacramento bank levees along the Colusa Trough Drainage Canal and the Knights Landing Ridge Cut, compensating for damage caused by general subsidence of the area.

Last, the bill deauthorizes an old Federal project along the Sacramento River, the Colusa to Red Bluff project, which would have the corps maintain a 10 foot channel from the Suisun Bay to Sacramento, and a 5 foot channel from Sacramento to Colusa. The project has been rendered obsolete by the 30 foot deepwater channel to Sacramento, and by the demise of gravel barging operations above Sacramento.

This is a bill for many purposes. It is an extraordinary achievement by the Public Works Committee, its Chairman JIM HOWARD, and the Water Resoures Subcommittee and its chairman Bob Roe. In literally hundreds of ways it brings our national water infrastructure into synchronization with the economic, social, and environmental objectives of the latter half of the 20th century. For many reasons the bill deserves to be passed.

Mr. MORRISON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Washington.

Mr. MORRISON of Washington. I thank the gentleman for yielding.

Mr. Chairman, I want to associate my comments with those of the gentleman from Washington.

The CHAIRMAN. The time of the gentleman from Washington [Mr. SWIFT] has expired.

(On request of Mr. AUCOIN and by unanimous consent, Mr. SWIFT was allowed to proceed for 3 additional minutes.)

Mr. MORRISON of Washington. Mr. Chairman, will the gentleman continue to yield?

Mr. SWIFT. I yield to the gentleman from Washington.

Mr. MORRISON of Washington. The amendment as proposed by the gentleman from Wisconsin in the area of irrigation projects changes the format to the point that ratepayers would be picking up the cost of both the dams that are necessary as well as the irrigation projects. Instead of having them run one after the other, they would be running concurrently. So the costs would be dramatically increased to the point of probably making both projects unaffordable as far as ratepayers are concerned. This is an amendment we must defeat for the sake of the interests in a variety of parts of the United States.

I thank the gentleman for yielding.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

Mr. Chairman, I would like to be associated on the victorious side for a change.

Mr. Chairman, I strongly oppose this amendment. I join my colleagues from the Northwest in opposing it.

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Idaho.

Mr. CRAIG. I thank the gentleman for yielding.

Mr. Chairman, I do not know of any of us who question and are concerned about a variety of the costs that we in our wisdom years ago decided were appropriate as related to certain projects that ultimately created economic movement within given areas of the country. I am sure there are a good many of our colleagues who would like to be on the side of some of the Grace Commission studies and efforts. But the question is, why do you segregate or pick out certain areas of Federal expenditure and not others?

We have been in the business of providing low-cost loans across the board in a tremendous number of areas because, in the wisdom of this Congress over the years, we decided it was a good thing to do, to stimulate certain types of economic development.

What we do by this legislation is impose an increased tax. It is a tax increase, without any argument. That is ultimately what happens in given regions of the country where this is impacted.

Is it not wise to say we ought not be subsidizing student loans? No, we find them to be a certain net benefit to the well-being of this country. So I think if you are going to look at this in an incremental way, you had better broaden the base and look at it all. That is why I would have to oppose this kind of legislation at least currently, because of the narrow scope, based on its failure to address the much broader spectrum that we will probably be looking at down the road in something like Gramm-Rudman or some other major effort that brings into play all segments of the Federal Government.

Mr. SWIFT. I thank the gentleman.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I thank the gentleman for getting me the additional time, and if there is any of it left, I would be glad to yield to the gentleman.

Mr. AUCOIN. Mr. Chairman, how much time does the gentleman have remaining?

The CHAIRMAN. Thirty seconds.

(By unanimous consent, Mr. SWIFT was allowed to proceed for 2 additional minutes.)

Mr. SWIFT. Mr. Chairman, I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

Mr. Chairman, I rise today in opposition to the Petri amendment to H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985.

This amendment is just another in a series of recent attacks on power marketing administrations—attacks that the House have repelled year after year.

This amendment will unnecessarily penalize the Bonneville Power Administration, which is the power marketing agent for 30 Federal dams in the Northwest that were built by the Army Corps of Engineers and the Bureau of Reclamation. BPA serves Oregon, Washington, Idaho, and western Montana, as well as small neighboring portions of Nevada, Utah, Wyoming, and California. It provides nearly 80 percent of the transmission capacity in the region. Indeed, this network is the "backbone" grid for all interconnected utilities in the Northwest.

BPA is responsible for repaying the Federal investment in power producing resources in the Pacific Northwest. The current repayment agreement requires that the total Federal investment be repaid, with interest, over a 50-year period. Power rates are set, and adjusted when necessary, to guarantee timely payback. This method of repayment provides for flexibility—flexibility that is vital in a system that is hydro-based and subject to the whims of nature.

Like many other utilities, BPA had difficulty meeting its costs in the late 1970's and early 1980's. Revenue shortfalls forced BPA to make smaller-than-planned payments on the principal in those years. And between 1979 and 1983 BPA deferred paying a portion of the interest expense owed to the U.S. Treasury.

But recently BPA has put its financial house in order. In fiscal year 1984 BPA made a $217 million payment to Treasury, paying off all deferred interest costs. On September 30, 1985, they made a payment of $682 million which consisted of $374 million for interest on the capital invested in the FCRPS, $82 million to cover the annual operations and maintenance costs of the Corps of Engineers and the Bureau of Reclamation, and a return of $226 million in capital to the Treasury. Those payments were exactly the payments that Bonneville had pledged to make to the Treasury.

The Petri proposal changes the rules of the game. Under this amendment, BPA would be required to repay the capital invested in the power features of the Army Corps of Engineers hydropower projects using a fixed-year straight line amortization basis.

Based on BPA's recent good performance, there is no justification for changing the repayment procedures.

And the only result will be to increase the cost of power to the citizens of the Pacific Northwest.

Mr. Chairman, this amendment is being proposed at a particularly inopportune time. It is a time when many industries in the State of Oregon are struggling for survival. The aluminum industry, for example, which relies heavily on power from BPA, is having serious financial problems. The passage of this amendment will be another nail in the coffin of that struggling industry.

The most important consideration, however, is the effect this proposal will have on the average consumer of electricity. OMB estimates that the passage of this amendment will result in wholesale power rate increases of 5 percent. Is it fair to increase electricity costs for consumers by changing a system that ain't broke? No.

Years ago the Federal Government entered into an agreement with BPA and other power marketing administrations regarding the repayment of the Federal investment in hydropower facilities. Aside from a few unusually rough years, BPA has kept its part of the bargain. Now, we're being asked to ignore their efforts and change the rules. This is wrong. And I urge my colleagues to defeat this unneccessary and punitive amendment.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the gentleman for yielding, and I thank the chairman of the subcommittee and the ranking minority member of the subcommittee for the responsible handling of this very bad amendment before us. We have kept our part of the deal. OMB now wants to break their part of the deal.

I thank the chairman of the subcommittee and the ranking minority member.

Mr. SWIFT. Mr. Chairman, I join with my colleagues in thanking the chairman.

Mr. DASCHLE. Mr. Chairman, I rise in opposition to the Petri amendment to H.R. 6, the Water Resources Act, which would change existing repayment policy for Federal hydroelectric facilities to require the costs of present and future hydroelectric power facilities to be repaid in levelized annual payments.

The Petri amendment ignores the practical realities of hydropower production. Current repayment agreements between the United States and Federal power customers require the entire cost of the project, plus interest, to be reimbursed over a 50-year period. The reality of hydropower is that more revenue is generated in years of high water flow than in years of low water. Thus, power marketing agencies need special flexibility in their repayment schedule because of their special circumstances.

Existing repayment agreements recognize this fact and provide that in low water years when less energy is produced, the power market agencies may defer part of its scheduled repayment until the following year. It is important that when the repayment is deferred an interest penalty is assessed to the public power marketing agencies.

Also what little problem existed in the past has been corrected. Since 1983, the power marketing agencies are current on their repayment obligations.

If it ain't broke, why fix it?

Former OMB Director David Stockman came to this body on two separate occasions this year to offer us the same concept embodied in the Petri amendment. In both cases, this body had the wisdom to refuse to adopt this straightline amortization approach.

Finally, this change of the established repayment schedule will result in an unnecessary electric rate increase for public power customers. It is estimated that individual power rates would increase approximately 5 percent each year with the adoption of this amendment.

Mr. Chairman, the Petri amendment is unnecessary, unfair, and will needlessly raise thousands of electric power user's bills. I urge my colleagues to reject this amendment as they have on two other occasions during this year.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, I think that the gentleman has offered a valid amendment, and I must tell you that I share the concerns of many of my colleagues from the Northeast. That is, to understand the full ramifications of this amendment. I appreciate it is a recommendation of the Grace Commission and of the administration in their budget proposal, but, as one who has jurisdiction over a fair amount of hydroelectric power generated in this country, I would hope that we would have an opportunity to have a full hearing on this measure. It has been suggested by the gentleman from Oregon and the gentleman from Washington that in fact the payment schedules have been accelerated and dramatically improved and, at the same time, there have been serious questions raised about whether or not there will be full payment back to the Government of a number of these programs and at what level and what rate that payment should take place.

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But I think before we go ahead and adopt this amendment, we would like

to have an opportunity to have some of these issues aired.

I would like to say to the author of the amendment that I would hope that he would consider the withdrawal of this amendment, with an agreement between himself and myself that I would be willing to ask the Water and Power Subcommittee to engage in a hearing on this subject so that we might lay out the facts as they currently are, and then the House can make its will known in an intelligent fashion.

But I am just concerned that to accept this amendment at this time on this bill, which obviously has a tremendous amount of support and is very important to Members of the House, that this one becomes a great deal of trouble not only to the bill but also how we explain what the actual impacts are on purchasers of that power and on the ratepayers.

I think we have the ability to do that on the Water and Power Subcommittee on the Interior Committee, and I think that there is broad enough representation on the Interior Committee, both by the immediately affected jurisdictions and by consumers of that power and the people from other parts of the country, that we can provide that kind of a hearing.

I also know that the gentleman has presented a substantial amount of evidence that he would like to introduce in those hearings, and if we can carry it out of the room we would be delighted to take it and give it the kind of reception that it should have.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Wisconsin.

Mr. PETRI. I want to thank the gentleman, the chairman of the Subcommittee on Water and Power of the Interior Committee, and I think his point is well taken. This is clearly a very important and broad area that has many ramifications.

There is one other thing I wanted to do and I neglected to say earlier, at the beginning of my remarks, and that is to compliment the chairman of the subcommittee, my esteemed colleague, the gentleman from New Jersey [Mr. ROE], for the great work that he has done in bringing a bill that is going to pass the House without particular controversy and reach the President's desk before long, reauthorizing a whole variety of needed things in this important area.

But with the understanding that your committee will be active in this area and all these reports will see the light of day, you will have hearings on this subject, when the time is appropriate I would ask to withdraw the amendment.

Mr. MILLER of California. I appreciate the agreement of the gentleman.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the chairman.

Mr. ROE. I want to thank the gentleman from Wisconsin for the generosity of his kind comments, and I want to publicly thank him for the outstanding work that he has done on our Public Works Committee. The gentleman has really been one of the leaders in the field of developing this legislation.

As you notice, I have remained mute to this point, allowing the Representatives from the great States of California, Oregon, and Washington, because it fell upon their immediate needs to debate that issue; but from the committee's point of view, I compliment the gentleman from withdrawing this amendment, because we, too, have been reviewing this, as the gentleman knows, in Public Works, and particularly in our Water Resources Committee, as it relates to the Corps of Engineers' hydro project—and I appreciate the gentleman from California mentioning that—thoughout this country.

Any type of program that would emerge should have real solid review, should have real good understanding and should really follow some kind of uniform policy.

So I would appreciate it if the gentleman will withdraw his amendment, in which instance we, too, will join in on hearings on this important issue.

Mr. PETRI. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLISH: On page 366, strike lines 8 through 22 and all that is contained therein and insert in lieu thereof the following:

Section 201 of the Flood Control Act of 1970, as amended by Section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the heading "Arkansas-Red River Basin" and inserting in lieu thereof the following: "Construction shall not be initiated on any element of such project involving the Arkansas River Basin until such element has been approved by the Secretary of the Army. The chloride control projects for the Red River Basin and the Arkansas River Basin shall be considered to be authorized as separate projects with separate authority under Section 203 of the Flood Control Act of 1966, as amended.".

Mr. ENGLISH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ENGLISH. Mr. Chairman, I rise in support of my amendment which separates the authorization of the Arkansas River Basin water quality project from the Red River Basin water quality project, and which requires that the Secretary of the Army grant approval before any construction on any element of the Arkansas River Basin water quality project can occur. The intent of this measure is to ensure that no money authorized and appropriated for the Red River Basin water quality project can be spent on any portion of the Arkansas River Basin water quality project. This amendment is the same amendment which the House adopted during its consideration of H.R. 2577, the Supplemental Appropriations of 1985, earlier this year.

By separating the Arkansas River chloride control project from the Red River chloride control project, my amendment requires that each project stands on its own merits. Unfortunately, present law permits funding authorized and intended for the Red River project to be spent on the Arkansas River project. This could happen despite the fact that the Corps of Engineers has concluded after extensive study that the Arkansas River project is not economically feasible and that the corps should not proceed with it.

A closer look at the Arkansas project reveals the actual scope of this billion-dollar question mark. Basically, the Arkansas River Basin project contains a series of shallow salt brine ponds which would be used to collect, store, divert, and dispose of salt brine. These ponds would require the sacrifice of at least 60,000 acres of land in western Oklahoma.

Congress authorized the Arkansas project in the Flood Control Act of 1970. At the same time, and using the same provision, Congress authorized construction on sites for the Red River project. In 1977 corps officials testified that unless Congress was prepared to make a total commitment to the complete Arkansas project, the Congress should not support any part of it. Furthermore, the corps was not prepared to give its go ahead for the entire project. In 1981, 10 years after the initial authorization, the corps rejected plans to proceed with the Arkansas project. Specifically, the corps found that for every $1 spent on the project, only 25 cents would be returned in benefits. This ratio was substantially lower than the required dollar-for-dollar cost-to-benefit ratio. The corps recommended tabling the project until a significant change occurred which "clearly demonstrates a greater need and probable use of the improved water." This has yet to happen, and I doubt it ever will. Additionally, the

corps stated that the "environmental analysis showed that there would not be outstanding contributions to the environmental quality account to offset the lack of economic benefits."

Taxpayers from throughout Oklahoma have expressed their concern over and opposition to the Arkansas project. By separating the authorization of the two projects, however, we can at least ensure that funding intended for the Red River Basin project does not end up spent on the Arkansas River Basin project. It is also important that we maintain present law which prohibits any construction on the Arkansas River Basin water quality project without the prior approval of the Secretary of the Army. Thousands of tax dollars have been spent on corps studies of the Arkansas River Basin project. The conclusions and recommendations of these studies should be followed and not ignored and circumvented. I urge the House to support my amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, let me congratulate the gentleman on offering this amendment. Through the many weeks and months that this has been discussed, the gentleman and I have gone over that language very carefully. Let me say that since it does involve the congressional district that I represent, the language is entirely satisfactory with me, and I am authorized to say for this side that we accept the gentleman's amendment.

Mr. ENGLISH. I want to thank the gentleman from Arkansas for his cooperative support and for the spirit of cooperation in which we have worked together on this.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we have reviewed this amendment, and we have no objection to the amendment.

Mr. ENGLISH. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ENGLISH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DASCHLE

Mr. DASCHLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DASCHLE: On page 399, after line 5, insert the following new section:

SEC. 1199K. Section 5 of the Act of September 30, 1982 (Public Law 97-273, 96 Stat. 1182), is amended by inserting "(a)" after "SEC. 5." and by adding at the end thereof the following new subsection:

"(b) The Secretary of Energy is authorized and directed to deliver to the Hilltop and Gray Goose Irrigation Districts, South Dakota, electric pumping power from the Pick-Sloan Missouri Basin Program at rates to be determined by the Secretary, but in no case less than the firm power rate for the sale of such power. Such power shall be made available under the same terms and conditions as presently used for firm power customers of the Eastern Division of the Pick-Sloan."

Mr. DASCHLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. DASCHLE. Mr. Chairman, between 1946 and 1968, five main stem dams and reservoirs were constructed on the Upper Missouri River. To build these dams over 520,000 acres of prime farmland adjacent to these projects were permanently flooded and removed from production forever.

To compensate for this enormous loss, Congress, in the Flood Control Act of 1944, called for 170 MW of Pick-Sloan power to be made available for irrigation in South Dakota. That commitment made over 40 years ago has gone unfulfilled until today, with none of the power promised for irrigation having been utilized. Today we have an opportunity to correct that oversight.

The Hilltop and Gray Goose Irrigation Districts were constructed in the late 1970's with Farmers Home Administration financing. Although these two projects sit directly adjacent to the main stem reservoirs, they have not been able to take advantage of the low-cost public power produced by the nearby main stem dams.

In the last 6 years, Hilltop and Gray Goose have realized an increase in their commercial power bills of 72 percent and 86 percent respectively. The rapid rise in power rates is the largest single reason for current financial stress being experienced by these two projects. Hilltop and Gray Goose consist of a group of small farm families working small plots of land. The irrigation system uses modern technology and a pipe delivery system to insure that the fragile environmental balance of the project area is preserved and the delivery of water is cost effective. Because the projects are so small, pumping costs are lower than most other proposed Federal irrigation projects. The two systems are considered by national standards to be of modern, efficient, and economical design. The availability of public power will allow these projects to take advantage of the benefits promised South Dakota by Congress in 1944.

There are numerous precedents for legislation of this sort. Congress has previously provided Pick-Sloan power to existing projects including the Kendrick, Colorado-Big Thompson, North Platte and Shoshone projects.

The Hilltop and Gray Goose projects will use only 5 MW of power or about 3 percent of South Dakota's Pick-Sloan allotment for irrigation. The 5 MW represents only about 0.34 percent of the capability of the Missouri River main stem system.

These small irrigation projects are already constructed and will require no appropriation of funds whatsoever for construction or maintenance.

This amendment will have a negligible effect on public power users. It enjoys the support of local citizens, the State of South Dakota, and the entire congressional delegation. With the passage of the amendment, the Federal Government can at long last take a small step toward living up to the commitment it made in the Flood Control Act of 1944.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we have investigated this amendment, and it is a very practical amendment and well done. We have no objection on this side.

Mr. DASCHLE. I thank the gentleman for his support.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, this side agrees to the amendment, and we have no objection.

Mr. DASCHLE. I thank the gentleman for his support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. DASCHLE].

The amendment was agreed to.

Mr. BEREUTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman and members of the committee, I would like to begin by expressing my appreciation to the committee for including section 530 in this bill, a demonstration program for the Platte River and its major tributaries. I very much appreciate the wisdom of that effort.

This section is the same provision which was incorporated as part of the committee's amendment last year to H.R. 3678. I thank the members of the Public Works and Transportation Committee for their assistance and cooperation in including this provision again in H.R. 6. This section will provide much needed relief from high water and flooding for the citizens of Nebraska.

As many of you know, the Platte River traverses the entire length of the State of Nebraska. In 1984, once again many areas along the Platte River were inundated by flood waters

caused by massive snow melts in the Rocky Mountains and heavy, above-normal rainfall within the State. The high water and subsequent flooding caused damage to homes, businesses and cropland in the communities and farms throughout the Platte River valley in Nebraska.

Section 530 of H.R. 6 would provide $25 million over a 5-year period for flood control and bank stabilization demonstration projects along critical stretches of the Platte River and its tributaries which each year are prone to flooding.

All too frequently within recent years, the U.S. Soil Conservation Service, the natural resource districts, and the local dike and drainage districts in Nebraska have battled the flooding and bank stabilization problems on a piecemeal and patchwork basis. The resources of many natural resource districts and dike and drainage districts have been either inadequate or inadequately applied. The flood damage to dikes, levees, and bank stabilization structures in many areas is now so severe that the agencies responsible for maintaining these structures have neither an adequate tax base nor sufficient resources on hand to properly or permanently repair these structures.

Because of the high water and flooding in 1984 and previous years, the bank erosion along several stretches of the Platte and Elkhorn Rivers and a tributary, Salt Creek, continues unabated. Many of these stretches are seriously destabilized due to the bank erosion and improperly constructed bank stabilization structures. As river flows change their course, they create a "billiard ball" effect on other stretches of riverbank downstream. In areas where serious bank erosion has occurred, homes have been swept into the river, businesses have been placed under water and thousands of acres of cropland have either been lost or flooded.

The economic and agricultural problems we face in Nebraska are only being complicated by these seasonal floods. While we were fortunate not to experience flooding this year, it will only be a matter of time before the high water and flooding return. While it is regretable that the other body did not act on this legislation last year after it was passed by the House, we must continue to push forward with this legislation if we are to avoid additional flooding and bank erosion in the future.

Section 530, as included in H.R. 6, will encourage not only the Army Corps of Engineers, but also State and local agencies to take a comprehensive look at the flooding and bank stabilization problems along the Platte River and its major tributary, the Elkhorn River. The funds authorized in this bill will be used to provide permanent rehabilitation and reconstruction of flood control and bank stabilization structures along the Platte River and its tributaries. Hopefully, this legislation will result in the development of a long term solution to the flooding and bank stabilization problems in Nebraska.

I appreciate the support that my colleagues on the Public Works Committee have given this project in the past, and I thank them again today for including section 530 in this legislation.

However, primarily, I would like to address a matter that is relevant to title XI. If I could have the attention of the committee, I would say to its leadership that I know you may not be able to respond at this point to my colloquy, but I would like to lay out the facts with respect to a particular situation where I am seeking your advice.

The supplemental appropriation bill of 1985 asked the authorizing committee the Committee on Public Works, to determine what is "appropriate cost sharing in terms of provisions in various projects" and they encouraged a "flexible approach." Then the Energy and Water Development Appropriation Act of 1986 authorized new starts for approximately 41 projects. One of those 41 projects is truly a unique project. It is officially entitled termed the Missouri River National Recreatioin River of Nebraska and South Dakota, a bi-State project. It is unique because it gave responsibilities under the Authorizing Act of 1978, primarily sponsored by my predecessor, Charles Thone, with the help of members of this very committee still serving in leadership capacities to two agencies. It gave responsibilities both to the Corps of Engineers and to the Department of the Interior, and that is one unique aspect about the project authorizations.

The relevant stretch of the Missouri River is designated as a "Recreation River under the Wild and Scenic River Act. A "Recreation River" is one of 3 categories of specified by the Wild and Scenic Rivers Act.

When the Corps of Engineers recently tried to determine what would be an "appropriate cost-sharing provision" it apparently consulted with the Department of Interior, specifically the National Park Service. The National Park Service it reported to have said something to the effect that "we do not have cost sharing arrangements" for wild or scenic or recreation rivers. Furthermore, they indicated that there are no local sponsors for this authorized project. Who then would cost-share?

And so the Corps of Engineers, frankly, not especially committed, I gather, in having cost sharing apply to this authorized project but want to conform to the direction from the authorizing committee and being enthusiastic about starting this project, needs some guidance.

I would hope that since this is a unique project, since there are no local sponsors, and since it is a project that has total support from all parties on both sides of the river, that if the chairman and if the ranking minority member are ready at this point to give some comments and some appropriate advice, I would appreciate it. However, if they still need to do some more consultation with the Corps of Engineers and others, I would be satisfied at this point to bring this matter up and hope that we might resume the colloquy at a later point in this debate under another title of the act.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. I would like to associate myself with the remarks of my good friend in the well and with the concerns he has expressed. I hope for the same kind of happy solution that the gentleman is working toward.

Mr. BEREUTER. I thank the gentlewoman, and I especially thank her for her invaluable assistance on this project on the Appropriations Committee.

I would make an inquiry of either side of the aisle, asking if they have completed their consultations, or if they would like to take this matter up later during the debate on this bill?

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Kentucky.

Mr. SNYDER. We have had the staff trying to look at the problem the gentleman has outlined here today. Quite frankly, we have not been able to reach any conclusion on it. We will continue to look to see if we can reach some reasonable solution.

Mr. BEREUTER. While title XI seems to be the proper place to take up my question, I would be pleased to return to this act at a later time when the gentleman does have his advice.

Is that consistent with the chairman's wishes?

Mr. ROE. Yes; the gentleman is correct.

Mr. BEREUTER. I thank the leadership on both sides of the aisle from the Public Works Committee, and I hope to resume this colloquy at a later point.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: At the end of title XI, add the following new section:

SEC. . The Secretary shall promptly transfer to the responsibility of the Corps

of Engineers district engineer in Albuquerque, New Mexico, those portions of the State of New Mexico that, as of the date of enactment of this Act, are under the responsibility of the district engineers in Sacramento, California, and Los Angeles, California.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, this is what my amendment will do: It will transfer the responsibility of areas in New Mexico west of the Continental Divide to the Corps of Engineers in Albuquerque, NM, from the Corps of Engineers in Sacramento and Los Angeles.

Here is the rationale for the amendment:

It will conform to language in S. 366.

It will result in a savings to taxpayers and compliment the efficiency, long-range planning and flood protection efforts of the Corps of Engineers.

Counties transferred in New Mexico to the Albuquerque corps include: San Juan, McKinley, Grant, Catron, and Hidalgo. Small portions of: Cibola, Sierra, and Rio Arriba Counties.

Under Public Law 84-99, the Albuquerque corps can only deal with these western New Mexico counties on an emergency flood basis.

In 1983 and 1984, the San Francisco and Hila Rivers in western New Mexico experienced their worst flooding situation in a century. The Albuquerque corps made all flood repairs, are familiar with the area, but will not be responsible for future long-range flood protection.

Currently all emergency repairs from flooding in the affected areas are done by the Albuquerque corps. All long-range planning and studies are done by the Los Angeles and Sacramento corps.

Travel. Corps personnel from Los Angeles and Sacramento are having to fly into Albuquerque and then rent a car and drive to the affected western New Mexico counties. This is expensive—over 900 miles.

Taxpayers are confused. They are having to deal with the Albuquerque corps for flood repairs and with the Sacramento or Los Angeles corps for long-range planning or studies.

The original Senate amendment was incorporated into S. 366 after New Mexico residents complained about the inconvenience.

It only makes sense that if an agency is responsible for emergency repairs that they would best be able to most effectively deal with long-range planning and future flood protection.

Some may ask: Are the counties in New Mexico west of the Continental Divide that you want to transfer to the Albuquerque Corps of Engineers part of another river basin or watershed?

The answer is yes. But there are many Corps of Engineer Districts that split watersheds or river basins. My amendment does not set a precedent.

For instance, the Arkansas River in Colorado is the responsibility of the Albuquerque Corps of Engineers as it flows through Colorado but, when the river reaches Kansas, the Arkansas River becomes the responsibility of the Tulsa, OK, district. Another example that comes to mind is the Canadian River. As it flows through New Mexico, the river is the responsibility of the Albuquerque Corps of Engineers, but once the Canadian River hits the Panhandle of Texas it becomes the responsibility of the Tulsa Corps of Engineers. My amendment does not set a precedent—only good, commonsense policy in enabling the Albuquerque Corps to set long-range policy and planning for areas in New Mexico that they are now responsible under law for making emergency repairs. I think it is important to keep in mind that other large rivers cross into several corps districts.

Some have asked if my amendment ends up costing the taxpayers money.

In the long run, I believe it will save the taxpayers money. I am told that this change will require some adjustments but nothing significant. Second, corps officials from Los Angeles and Sacremento are having to fly into Albuquerque and then rent a car to drive to the affected western New Mexico counties. This is expensive—over 900 miles in some instances. Local government officials in New Mexico are having to place long-distance calls to California or Sacramento and sometimes to Albuquerque because of confusion over what corps they should talk to: New Mexico or California. Last, the corps agency making emergency flood repairs has the best information on how to effectively implement a long-range planning program.

Mr. STRANG. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman.

Mr. STRANG. I thank the gentleman for yielding.

Mr. Chairman, I would like simply to share with the gentleman some of the concerns. We have a district in Colorado, Colorado III, which adjoins New Mexico III. We have some of the same concerns with regard to the jurisdiction. I do feel that whereas it may not be appropriate to do this by floor amendment, I would like to join with my colleagues and friend from New Mexico in trying to get this issue sorted out over the next year if this body chooses not to accept it by floor amendment. I think it is an extremely important issue.

Mr. RICHARDSON. I thank my colleague and I now yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman.

Mr. Chairman, I would hope that this amendment would be accepted. I think the hardship the gentleman has pointed out is quite correct. We had some review of this in the committee and again this is one with the jurisdiction of the Bureau. I just think it makes sense. It is not controversial, and I think it is one of the ways we can rationalize some of the delivery of services to people who have to deal with these agencies on a day-to-day basis. It makes it obviously much more convenient for people who have to work with these offices.

Mr. RICHARDSON. Mr. Chairman, once again, I would hope that the majority and minority support this amendment. It is hard for me to go to my constituents and tell them that I have to hold another hearing; that it is going to take more time. Especially when it has been done in the Senate.

I would like it if at this time the majority and minority could tell me what their views are of the amendment right now. I would very much appreciate that.

I yield to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. I thank the gentleman for yielding.

Mr. Chairman, I had intended to get my own time, but we can just extend the gentleman's time.

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

(On request of Mr. ROE and by unanimous consent, Mr. RICHARDSON was allowed to proceed for 1 additional minute.)

Mr. RICHARDSON. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. I thank the gentleman.

Mr. Chairman, I very reluctantly oppose this amendment, but I really believe in the context of good legislation that the amendment has to be opposed at this time.

There are a number of reasons that I think are legitimate. I want to commend the gentleman from New Mexico for bringing the issue to us, for the work he has done on it, for the arguments he puts forth in defense of his amendment.

He makes the case that corps jusidiction in some hydrologic basins are shared. But I would like to point out that while it would not be a precedent to share jurisdictions, it would be a precedent for the Congress to put that basin and that shared jurisdiction into law. The shared jurisdictions today are there because the corps has estab-

lished those shared jurisdictions and not because we have done it by law.

We could very well end up doing this. But I think we ought to hold hearings as to how we do it and when we do it; who gets the major jurisdiction and who gets the lesser jurisdiction. I just do not think that we should redraw corps lines without hearings. If we did this, the question might arise: Who now has the responsibility for long-term planning in this area? Does the long-term planning transfer from Sacramento and Los Angeles to Albuquerque? Or does Sacramento and Los Angeles maintain the long-term planning while Albuquerque would continue the responsibility in the short term?

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. I thank the gentleman.

Mr. Chairman, let me say that I think we might be, and I can appreciate the economics of this—I think the gentleman makes some very good arguments on the economics, but the corps is opposed to doing it by statute. At least doing it by statute without hearings.

Normally these corps districts are organized on hydrologic basin lines, and it may well be that after we look at this issue we may want to take the counties from California in this basin and put them under the Albuquerque district. We may want to take some of the Colorado counties in another corps district and put them into Albuquerque where they more naturally belong. But I do not think we should do it here. Since it is in the Senate provision, it would be my hope that we not do it here so that it is not confereeable, so that we do not make a mistake today, but rather give us the time for further analysis, further study, and perhaps if this is a good thing to do, we could do it in conference by yielding to the Senate.

I know that the gentleman would like to do it here in the House, and I can respect and appreciate that, but I would just urge that he would delay because I think there are too many unanswered questions that have to be answered before we can do this.

Certainly, I pledge full cooperation to work to do that in the time that we have, and we will not be in conference for quite some time because the Senate has not passed their provision. I am sure that the chairman of the subcommittee agrees with me that we will work and make every effort because I just commend the gentleman from New Mexico and the work he has done to bring this before us. I just do not think today is the right time and the right way to do it.

Mr. ROE. I share the response from the distinguished gentleman from Minnesota because we have great sympathy and great respect from the gentleman from New Mexico, but I think it is important to note that there are three other areas in the country we have been asked to readjust corps facilities.

If we are successful in getting this bill passed, which is one we have been waiting to get passed now for 15 years, it is going to alter a part of the work force and part of the work program and scheduling, whatever, of the entire corps, and we think it would be highly more profitable to organize properly, which I know is the gentleman's concern and your concern in the Southwest. So I would respectfully suggest to the gentleman that we will consider this matter. We are not unsympathetic, but we would rather not consider it in this legislation.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman.

Mr. RICHARDSON. I thank the gentleman.

Mr. Chairman, I appreciate the diplomacy and the helpfulness that both managers have shown in this discourse with me. I would like to inquire from both of the managers, would they be particularly offended if I did request not a recorded vote but a vote that would at least enable me to return to my constituents and explain to them that an effort was made but that the committee is considering this further?

I just do not want to prejudice myself, but I just feel, I have had too many cases. I brought this up before the Interior Committee. Many of these issues that we in the West have serious problems with, and I think for my own reasons, unless the gentlemen feel it would be prejudicial, I would like to request a vote.

□ 1650

Mr. ROE. Mr. Chairman, of course, the gentleman has his prerogatives, and it could very well go into a recorded vote. But I think he has had a great dialog between the two of us and with all the leadership of this committee. We are sympathetic. Why would the gentleman want to do this? We have asked him not to bring this up because of legitimate purposes, and we would not want to have to vote against him.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I would say to my friend, the gentleman from New Mexico [Mr. RICHARDSON], I do not know how that vote would come out, but if the gentleman from New Mexico was not successful and the House spoke on the issue, it might put us in a bad position to try to look at it very objectively.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, that is my concern. First of all it takes a heck of a lot to offend me, and the gentleman's calling for a vote would not offend me personally. But calling for a vote and having this proposition rejected by the House could be prejudicial as we go to conference, and that concerns me, because I think we are willing to work with the gentleman, and I think it might be better—sometimes discretion is the better part of valor, and it might be better not to have the vote and allow us to fight his fight. He has fought his fight, and I think his constituents have to recognize that he has fought his fight, he has done a yeoman's job on the issue, and I would just hope that he would not do it.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has expired.

(On request of Mr. STANGELAND, and by unanimous consent, Mr. ROE was allowed to proceed for 2 additional minutes.)

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, once again, if the vote is not a recorded vote, may I ask the gentleman this: I do not intend to ask for a recorded vote, and I do not detect overwhelming support from the Members on the floor for my position at this time, but would a voice vote once again be something that the gentleman from Kentucky [Mr. SNYDER] and the gentleman from New Jersey [Mr. ROE] feel——

Mr. ROE. Mr. Chairman, I move the pevisous question.

The CHAIRMAN. The Chair will state to the gentleman that that motion is not in order in the Committee of the Whole.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, I would just like to respond to the gentleman's question, if I may.

Mr. Chairman, on any vote, the House has spoken, whether it is a recorded vote or a voice vote.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, once again I am going to implore that we deal with this issue, but I think the gentleman from Kentucky and the gentleman from Minnesota, whom I greatly respect, have made their position clear. The gentleman from New

Jersey has also made his position clear, and I am going to reluctantly withdraw my amendment. But I say to the gentlemen that I hope that a hearing or some kind of deliberation is scheduled before they go ahead and meet with the Senate, because I just cannot go back and continue to tell my constituents that when the Senate has done it, and they have done it unanimously, and I have gone through the whole procedure with all the committees, that they will not give it an honest shot. I am convinced that they will.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has expired.

Mr. RICHARDSON. Mr. Chairman, I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. UDALL. Mr. Chairman, there are a number of provisions of this bill which concern our territories and commonwealths. The Committee on Public Works and Transportation is to be commended for the attention that it paid to the needs of the insular areas as it developed this omnibus water resources legislation.

Several needs are addressed in the bill that they originally reported. Others would be met by amendments reported by the Committee on Interior and Insular Affairs.

All but one of these amendments are incorporated in the substitute before us today and another provision is partially based upon the other amendment. So, I particularly want to thank Chairman HOWARD, subcommittee Chairman ROE, ranking minority member SNYDER, and other members of the Public Works and Transportation Committee for their cooperation regarding these amendments.

These members include two who also serve on the committee that I chair and are largely responsible for the insular areas provisions, Delegates DE LUGO and SUNIA. The gentlemen from the Virgin Islands, for example, sponsored the amendments reported by the Interior and Insular Affairs Committee.

These provisions were further made possible by the work of the gentleman from California, Representative LAGOMARSINO, the committee's minority spokesman on insular issues and the gentlemen from Puerto Rico and Guam, Resident Commissioner FUSTER and Delegate BLAZ. The chairman of the Subcommittee on Water and Power Resources, the gentleman from California, and our ranking minority member, the gentleman from Alaska, also helped bring about the insular amendments. Finally, I want to recognize the contributions made by the gentleman from Hawaii, Representative AKAKA; the Resident Representative of the Northern Marina Islands; and the staff of the Pacific Basin Development Council.

Perhaps the most important of our amendments restates the intent of current law and is a necessary extension of it.

Under all Federal programs, amounts that all but one of the territories and commonwealths would have to match in order to participate are waived to a limited extent. The amendment ensures that this adjustment is applied in the case of Corps of Engineers projects. It should not suggest, however, that additional statutory authority is needed in the case of projects or programs of other agencies, such as those of the Environmental Protection Agency, which are already covered.

The limited matching waiver is essential for the participation of insular governments in many programs. It also makes sense because our fiscal arrangements with the territories and commonwealths means that much of their revenue is direct or indirect Federal assistance.

The amendment also provides the Corps of Engineers with critical flexibility in applying standards of evaluating water resources projects in the smaller insular areas. Discretionary authority would be given to factor in criteria related to the unique—and often vastly greater—social and economic needs of these islands, if requested to do so by their chief executive.

This flexibility is essential since several important, small projects on generally remote, small islands have not been able to proceed because of requirements designed for the States. Corps officials in the field recognize that these standards are inapplicable to insular conditions because they give inadequate weight to the unique circumstances and needs of insular situations.

This flexibility should, for example, permit serious erosion of shorelines to be halted so that the sole artery to communities is not cut off from the rest of an island. It should permit the construction of dock facilities so that fishermen do not have to travel extra hours daily and residents of remote and sparsely populated communities have access to essential public services, employment, and shopping.

Costs may be extraordinary because of the distances involved, relatively minuscule markets, and very high rates of deterioration. Basic infrastructure for these Americans it is often only minimally developed in comparison to that of the States. Generally very underdeveloped communities would be assisted.

Similar authority to modify program requirements to adapt them to the special circumstances and needs of the insular areas has been granted to other agencies in other statutes.

Two of the amendments concern the Northern Mariana Islands. Since it is the newest member of the American political family and the only one lacking representation in the Congress, it is incumbent upon us to pay special attention to the needs of these islands.

One amendment is essentially a technical correction of the 1984 omnibus insular areas assistance act. It clarifies the authorization for improvements of the commonwealth's water system.

The deficiencies of the system are so serious as to present a clear danger to public health as well as an impediment to development of the islands' tourism industry.

The other amendment would address another priority need of these western Pacific islands: improvement of the main port which is in Saipan.

The authorization follows a study mandated by the 1980 omnibus insular areas assistance act. The Corps of Engineers study found that the harbor is in a general state of disrepair, prevents economies and modern shipping, and outlined necessary work.

The provision that is partially based on an amendment of the Interior and Insular Affairs Committee would not extend the new tax on port use that the bill would impose to cargo loaded or unloaded at insular ports including those in Hawaii. It further exempts articles shipped to the insular areas for consumption in them from the levy.

The provision, which was reported by the Committee on Ways and Means, differs from the amendment we recommended primarily in that it would apply to the tax to articles grown or manufactured in the insular areas and shipped to other U.S. ports.

There is little economic sense in applying the tax to these shipments. The additional cost will only further penalize manufacturers in the insular areas or result in added costs to U.S. mainland consumers of heating oil, medicine, sugar, and other products.

Insular businesses already face operational costs in some respects higher than mainland businesses and in others higher than regional, foreign competitors. If insular businesses are forced by the market to absorb the cost, it could compel some to curtail operations.

With unemployment rates in the territories and commonwealths ranging to over 20 percent and per capita incomes no more than half those of the States, it is counterproductive to impose further burdens on insular businesses. Doing so contradicts Federal policies providing incentives to insular manufacturing.

The reason that we have accepted the compromise I have outlined is that the adverse impact of the tax on cargo shipped to other areas in the United States is mitigated by the fact that these revenues should be returned to the territories and commonwealths.

The mutual agreements that we have with our commonwealths, the Puerto Rico Federal Relations Act and the act approving the Northern Mariana Islands Covenant, and the organic acts establishing the territories of Guam and the Virgin Islands all provide that all taxes on articles produced in these insular areas and transported to the States are covered into insular treasuries. It is our intent that this fundamental and long-standing principle of Federal-insular fiscal relationships applies in the case of this tax.

I would hope that the insular areas use the proceeds of these revenues for employment-creation purposes.

The compromise does, however, meet the most important concern of the committee that I chair regarding new tax: the potential impacts on insular consumers.

Transportation costs already account for a much greater portion of the cost of most articles in the islands than they do on the mainland. Ocean freight over the long distances involved is expensive, particularly because disparate locations with small populations must be served.

The impacts of a new tax on ocean cargo to the insular areas would, therefore, be significantly more adverse in them than to the States. The States generally have much larger populations served by ports than the insular areas. Because of their nature, insular areas must have many more ports serving their much smaller populations than the mainland.

Again, I want to thank Chairman HOWARD and the others who have helped us adjust this legislation to the important water resources needs of the territories and commonwealths.

Mr. ROGERS. Mr. Chairman, I rise today in strong support for the Water Resources Act of 1985 and H.R. 3670 which will be offered as an amendment in the nature of a substitute.

I would like to begin by commending my distinguished friend from Kentucky, Mr. SNYDER, the chairman of the full committee, Mr. HOWARD, the chairman of the subcommittee, Mr. ROE, and the ranking minority member of the subcommittee, Mr. STANGELAND. They have provided excellent leadership in bringing this bill to the floor.

The bill before us today is desperately needed. It addresses many serious water problems in communities across our country. And it provides the authorizations for us to take responsible action in developing our Nation's water resources so they can contribute to the prosperity of our Nation.

I would like to commend the committee for their actions to reach a compromise agreement that will allow us to deepen our Nation's ports. As chairman of the House Task Force on Coal Exports, I have been concerned about the impact which our lack of such deep ports could have on the long-term competitive position of American coal. In 1981, the landmark year of American coal exports, our Nation sold 110 million short tons of coal to foreign buyers. Last year, they totaled a meager 80 million.

There are many important factors relating to this decline. And fortunately, the current glut of bulk shipping capacity has helped to keep our shipping costs down. But the fact remains, that with our major trading partners in Europe, especially France, the Netherlands, Denmark and Italy, developing their deep port capacity, and with our competitors in South Africa and Australia already using deep water ports, in years to come American coal exporters could find themselves at a terribly serious disadvantage in this overseas trade. Some estimates would give our competitors a $5–6 per ton advantage, once the current excess capacity shrinks to a more normal level, all of which spells out lost jobs in our coal mines, lost jobs on our railroads, lost coal business and a worsening balance of trade.

The bill before us will help us to restore the momentum toward increased American coal exports. It will send a clear signal to the world that America is determined to be fully competitive in the world coal market. And it will help us to close the competitive margin gained by our competitors.

In addition, I would like to thank the committee for their assistance in two matters of particular importance to my district.

First, there is a provision in the bill to raise the authorization ceiling on the Big South Fork National River and Recreation Area by $52.6 million. This will expand the scope of the current project, to include the development of the Bear Creek facilities in Kentucky and the Rugby facilities in Tennessee.

Big South Fork already offers immense economic development potential for McCreary, Wayne, and Pulaski Counties in Kentucky, and in our neighboring counties across the Tennessee line. These are communities battling chronic underdevelopment, poverty, and unemployment hovering around 15 percent. But they are determined to harness this immense tourism business potential, and local chambers of commerce, businesses, and communities are already hard at work to turn this promise into the reality of business, jobs, and economic development.

The provisions in this legislation will expand the current scope of the project, increasing the currently projected increase in tourism by a huge 20 percent. Let me tell you some about the long term benefits of this whole project.

When Big South Fork is fully operational, it is estimated that 400,000 tourists per year will visit McCreary County alone, spending about $16.8 million annually. That will mean 560 new jobs in McCreary County alone. And the promises get better and better. The National Travel Center estimates that if an area has 100 people per day coming in as tourists, they will create $1.9 million in business, $507,000 in payroll income, 47 new jobs, $105,000 in State and local taxes, will support 45 school children, will increase the population in that area by 119 people, will mean 44 new households, and will add 6 new businesses. If all these benefits can be expected to result from just 100 tourists, the potential benefits from 400,000 tourists are deeply heartening.

In addition, I would like to thank the committee for inserting clarifying language in the report relating to flood control measures authorized by section 202 of the 1981 Energy and Water Development Appropriations Act, relating to the Levisa-Tug Forks of the Big Sandy and Upper Cumberland Rivers. This language makes it clear that the cost sharing requirements for new flood control construction are not intended to be applied to construction of the 202 project. Since this project has been under construction for several years, it would seem readily apparent that it was well outside the scope of the new cost sharing requirements. But in view of the ongoing bureaucratic delays in the construction of the project, this language is intended to make it entirely clear that the cost sharing requirements are not intended to be applied to any of the flood control measures on any of the stream reaches constructed pursuant to section 202 of the 1981 Energy and Water Development Appropriations Act.

Once again, I would like to commend and to thank my distinguished colleagues on the committee for all their work on this important bill. I urge my colleagues to support it.

Mr. SYNAR. Mr. Chairman, I rise in strong support of the Howard amendment. Among other items, this amendment will authorize the Cherokee Nation of Oklahoma to construct hydroelectric facilities at the W.D. Mayo lock and dam No. 14 on the Arkansas River. This provision in the Howard amendment will create as many as 400 jobs in an area of Oklahoma that continues to experience excessive unemployment, will provide regional consumers with needed low-cost electricity and will result in a significant contribution to the long-term economic prosperity of the Cherokee Tribe. Mr. Speaker, all of these tremendous benefits can be realized without expending any Federal funds.

The Cherokees have proposed to provide 100 percent—and I emphasize 100 percent—of the financing for design and construction of the hydro plant. Upon completion, the Corps of Engineers would assume ownership of the facility and operate the plant in connection with its current responsibilities at the lock and dam. Power from the 40 mega-watt facility would be marketed by the Southwestern Power Administration, thereby providing needed low-cost electricity for its preference customers. In turn, the power sales will cover the Federal costs associated with the Corps' maintenance of the powerplant, reimbursement costs associated with construction of the facility by the Cherokees and a reasonable annual royalty payment to help secure the economic well-being of the tribe.

The arrangement I have just outlined and embodied in legislation, H.R. 3601, which I introduced a short time ago, has been the source of extensive discussions by all parties involved. Indeed, I believe that all of the parties are in agreement about the enormous near and long-term benefits offered by this proposal.

We are all well aware of the tremendous budget constraints facing the Government today. This provision in the Howard amendment offers economic benefits to the Cherokee Nation, local economies and regional electricity consumers without expending any Government funds. The Cherokees are willing to accept the full financial responsibility of this novel proposal. I commend them for their courage and foresight. And, I also commend them for bringing forth what I hope becomes the benchmark for similar future efforts to provide local economic development opportunities while recognizing the severe budgetary limitations we face as a Nation.

For these reasons I urge my colleagues to join with me in supporting the Howard

amendment. I would like to thank the distinguished chairman for including this provision in his amendment. I would also like to express my sincere gratitude to the subcommittee chairman, Mr. ROE, and his staff for their hard work and assistance on this matter.

Mr. MCEWEN. Mr. Chairman, I appreciate the opportunity to address the House in support of H.R. 6, the long awaited Water Resources, Conservation, Development, and Infrastructure Improvement Act of 1985.

It has now been nearly a decade since Congress has sent a water projects reauthorization bill to the White House. This delay has resulted in the loss of valuable time, and continued negligence will only cause an increase in the cost of these vital projects. The time is long past due for a bill to address the water infrastructure needs of our Nation.

I have the honor of representing a rural area of Ohio, which not unlike most rural areas of America is in dire need of the projects contained in H.R. 6. American history can be traced along the development of the traffic and trade on its rivers. The maintenance of the waterways such as the Ohio River are essential to American industry as are its tributaries essential to the economy of the areas they access.

One such project needing immediate attention is the Gallipolis lock and dam project. This modification to the Ohio River is said to be one of the most dangerous navigation projects on the 981 mile Ohio River. The replacement of this lock and dam is critical to river cargo transfer and safety. In its current state, the hazardous lock, requires diesel powered tows to wait up to eight hours to get through the lock at the river's bend. If these improvements are not made by 1990, 15 percent of the river cargo will not even be able to pass through the lock. A chain is only as strong as its weakest link and at the present time, the Ohio River transportation system is only as strong as its weakest lock—the one at Gallipolis.

Although Congress has appropriated the money for the advanced engineering and design work currently underway at Gallipolis, the work cannot continue without the authorization of H.R. 6.

There are, of course, many other important projects for Ohio in the bill. Of particular interest to southern Ohio are water supply and distribution projects at Ceasar Creek in Warren County and William H. Harsha Lake in Clermont County. The effort at Ceasar Creek is a modification of existing authority to construct a public water supply and distribution system. Completion of the two projects will assure the availability of safe drinking water for southwestern Ohio into the next century.

The passage of H.R. 6 will mean approval for two long awaited flood control projects for the Ohio towns of Logan and Nelsonville in my district. This authorization will enable the construction of the Logan Channel enlargement, following the completion of the planning and engineering stage presently underway. The Nelsonville project will reduce annual flood damage by about 83 percent. These two projects are usually thought of in tandem as they are equally crucial to flood ravaged areas of central Ohio.

The provision to remove the Army Corps of Engineers from jurisdiction over the portion of Great Miami River and its tributries which are under the management of the Miami conservancy district is an excellent example of removing Federal interference where it doesn't belong. These waterways are not navigable, never have been and never will be. The multitude of dams and depths that are barely deep enough "to float a toy boat," to quote the Dayton Journal Herald, are reason enough to return local control to this area of the Great Miami. The Miami conservancy district has an excellent management record. Federal permits, regulations and paperwork amount to unnecessary encroachment. We have the opportunity with the passage of this bill to correct an absurd situation.

Also addressed by H.R. 6 is the problem of land erosion at the Maumee Bay State Park at the recommendation of the Army Corps of Engineers. Ohio is ready to go forward with this key effort and simply awaits congressional approval.

Just as Ohio River played an important role in the growth of the Queen City, the greater Cincinnati area now relies on a series of bridges to connect its heart with the areas across the river which it vitalizes. The bridges currently providing this important linkage between Ohio and northern Kentucky are in desperate need of repair and are destine for replacement. With H.R. 6, the 119-year-old John A. Roebling Bridge will be retired to remain as a landmark, and a new bridge will provide access between Cincinnati and Covington, KY. The central bridge with a life expectancy of only 3 to 8 more years will be replaced by a modern four-lane deck to carry U.S. 27 traffic from Cincinnati to Newport, KY. And the remainder of the allocated funds will be used to repair the bridge linking Aberdeen, OH to Maysville, KY.

Finally, harbor work at Lorain and Cleveland will vastly improve navigation and commerce in Lake Erie. These two crucial projects are important to meet the infrastructure needs of northeast Ohio.

As a strong supporter of legislation that maximizes economic and community development through well planned and controlled water systems, I am hopeful that this will be the Congress which approves this long-awaited and much-needed legislation.

Mr. SMITH of New Jersey. Mr. Chairman, I rise today to urge my colleagues to support H.R. 6, the Water Resources Act of 1985, which, as you know, authorizes 240 water projects nationwide.

Mr. Chairman, our Nation's water-resources infrastructure is in desperate need of repair, rehabilitation, and improvement. I would point out to my colleagues that many canals, inland waterways, locks and dams are past the end of their useful lives. One third of U.S. dams inspected by the Corps of Engineers were found to be unsafe. Clearly, water is an irreplaceable resource that must be properly utilized H.R. 6, the Water Resources Act of 1985, is a responsible answer to the water crisis we face.

I am particularly pleased that the Public Works Committee included a provision in H.R. 6 which I authored that will address and hopefully resolve the Pine Brook flood problems in New Jersey's Manalapan Township. Residents from the Pine Brook section of Manalapan have been plagued by heavy flooding since 1969. And, worse, the incidence of flooding has increased in frequency with continued housing development within this flood plain area. Section 305 of the Water Resources Act—found on page 109 of the bill and page 212 of the accompanying committee report—directs the Secretary of the Army to undertake protection measures to prevent flood damage to Pine Brook residents of Manalapan.

I would like to praise my fellow colleague from New Jersey. BOB ROE, for his leadership fairness and effectiveness with regard to this important water bill and especially, with regard to section 305 which affects the well-being of the present and future residents of Pine Brook community in New Jersey.

Mr. LIGHTFOOT. Mr. Chairman, I rise in support of H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985.

This legislation is badly needed and long overdue. The last true comprehensive water resources legislation to pass this body was in 1970. The Nation's infrastructure is directly tied to the Nation's economic well-being and our quality of life, and it is badly in need of repair and improvement.

I would like to take a moment to cite a couple of examples of what this bill would do. One of these is a project near Hamburg, IA, which provides for the installation of pumping facilities to correct a long-standing problem with flooding in that area. Mr. Lyle Hodde has organized and recruited membership for a pumping district in the area which will pay for operation and maintenance of the pumping facilities. I believe this is a fine example of how Federal resources can be used in cooperation with a local initiative to provide widespread benefits.

The bill also addresses the inequities which have resulted from the construction of Red Rock Dam. Many farmers and property owners have suffered substantial losses from unforeseen flooding caused by the reservoir's lack of holding capacity. This bill authorizes the Secretary of the Army to purchase land adjacent to the reservoir which should have been part of the project from the beginning. The owners of that land would then be compensated for their property which has been rendered virtually useless because of constant flooding which is beyond the control of the regulation of the Army Corps.

While I now support H.R. 6, I want to note that I withheld my support until I saw the inclusion of the cost-sharing measures which will require non-Federal sources to

help finance these improvements. Under these new requirements, State and local sponsors would pay between 10 and 55 percent of the cost of the project.

I believe these cost-sharing measures are essential to a responsible water resources bill. These requirements will result in a savings of Federal tax dollars as well as shift the responsibility for payment to those who more directly benefit from them. More importantly, it will discourage the use of Federal funds for projects with a low cost-benefit ratio, and help to ensure that only the well-planned, worthwhile projects will be funded.

This bill also deauthorizes 310 projects not yet under construction, which have an estimated completion cost of $11.1 billion. In addition, H.R. 6 provides that projects authorized by this bill will be automatically deauthorized 5 years after enactment of this law if they have not received construction funding by that time.

I would also like to take this opportunity to express my appreciation to the chairman of the Water Resources Subcommittee, the gentleman from New Jersey, Mr. ROE, and the ranking minority member of the subcommittee, the gentleman from Minnesota, Mr. STANGELAND, and all of the members in both public works and other committees who have helped develop this bill.

Again, Mr. Chairman, I believe H.R. 6 is a responsible water resources bill, and I urge my colleagues to join me in supporting this badly needed legislation.

AMENDMENT OFFERED BY MR. MACK

Mr. MACK. Mr. Chairman, I offer an amendment which I sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. MACK: On page 399, after line 5, add the following new section:

"SEC. 1199K. Notwithstanding any other provisions of this Act, not more than 91.8 percent of the funds authorized to be appropriated may be expended in fiscal year 1986 as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as adopted by the House of Representatives on November 1, 1985."

Mr. SNYDER. Mr. Chairman, until we have a chance to look at this amendment, I reserve a point of order on the amendment.

Mr. ROE. We do not have a copy of the amendment, Mr. Chairman.

Mr. SNYDER. Mr. Chairman, the amendment was just handed to us, and, therefore, we reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. SNYDER] reserves a point of order on the amendment, and the gentleman from Florida [Mr. MACK] is recognized for 5 minutes in support of his amendment.

Mr. MACK. Mr. Chairman, the amendment that I offer today is pretty simple and pretty straightforward.

I realize that there may be some Members on the floor who will ask the question: Why us, and why now? Well, the reason "now" and the reason "you" is because on Friday, November 1, the Democratic Party basically put together what they referred to as the Rostenkowski alternative, the deficit-reduction plan. What we heard over and over again was that there was a need to reduce the deficit number in 1986 to $161 billion. And the thing that we heard after that was that we have to do it now, that we must do it now. In fact, one of the speakers came to the floor and said something like this: that there are three differences between the Rosty plan and the Gramm-Rudman or the Republican plan; the first difference was that the Rosty plan would do it now, the second point he made was that the Rosty plan would do it now, and the third point he made was that the Rosty plan would do it now.

What we are attempting to do now today is to give you the opportunity to do it now, to reduce that spending by 8.2 percent.

You might ask yourself, where did we come up with 8.2 percent? Did we just pick that figure out of the air? No, we did not.

Just recently the Congressional Budget Office provided us with some information, information based on what the difference was between the two alternatives, what would happen under the Democratic or the Rostenkowski alternative and what would happen under the Republican plan. The CBO letter basically outlines it and gives us a table showing the possible effects in 1986 of the House-passed and the Packwood amendments to the debt-ceiling bill. It says, "For the purpose of estimating the deficit we have assumed an outlay base of $982.5 billion," which is the figure we have been using for all illustrative sequestered calculations. This reflects current law for entitlements and other mandatory spending at 1985 levels for discretionary accounts. The assumed revenue base is $787.9 billion, which is an estimate of current law revenues under CBO, August economic and technical assumptions.

Now, what has happened is that as a result of establishing a deficit target of $161 billion for 1986 and saying that we want to do it now, coupled with the fact that you exempted certain programs, nine programs that you have exempted, and that in addition to that you moved certain programs from category 2 to category 1, now, what that meant was that the number of dollars that were left in the pot to be sequestered was substantially reduced. In fact, it was reduced from roughly $500 billion to less than $300 billion, about $285 billion to be exact.

Now, as a result of that smaller reduction or that smaller number of dollars to be sequestered, what happens is that those programs that are left in the pot have to take a little bit harder hit. And what CBO says down at the bottom of its estimate here is that to reach the percentage reduction in category 2 in outlays necessary to reach the deficit targets that you have established, we would have to cut 8.2 percent across the board in this particular project.

Again I realize that this is difficult for you to do. I suggest you are going to have difficulty in many of the programs that we are going to consider. One of the estimates they made was that in the veterans' medical care under the Senate plan, $172 million in budget authority would have to be reduced. In the House plan, the 8.2 percent is going to require budget authority reductions of $737 million.

This is the plan that you voted for. This is the plan where you set aside the various exemptions. You have chosen those people whom you want to protect, and by the same decision you have stated those people whom you are not going to protect. As a result of that, you are going to have to stand up over the next several months and vote on those issues such as veterans' health care and water projects.

□ 1700

So, Mr. Chairman, it is my intention and the reason that I offer this amendment today is that I think it is about time that we found out if the rhetoric that we heard on Friday really was a true establishment of what we wanted to accomplish. If it is, no one should have any difficulty in voting for this particular amendment to reduce 8.2 percent across the board.

So I would ask my colleagues on both sides of the aisle if they would consider supporting my amendment and voting "yes" on this proposal.

Mr. ROEMER. Mr. Chairman, will the gentleman yield for a question?

Mr. MACK. I would be glad to yield to the gentleman.

Mr. ROEMER. Mr. Chairman, just to make sure I understand the gentleman's proposal, the gentleman is taking the alternative to Gramm-Rudman passed by the House last week and working the percentage reductions that that plan would call for on this particular bill; am I correct?

Mr. MACK. Mr. Chairman, if I may reclaim my time, what I am doing here is after receiving the information back from the Congressional Budget Office which said they took a look at both plans as they had been passed and made an estimate of what the growth in the economy was going to be and what the projected spending was——

The CHAIRMAN. The time of the gentleman from Florida [Mr. MACK] has expired.

(At the request of Mr. ROEMER, and by unanimous consent, Mr. MACK was allowed to proceed for 2 additional minutes.)

Mr. MACK. Again, what CBO said was that given the certain economic projections for growth and certain projections as far as spending is concerned, they made an estimate that certain spending reductions would have to take place. And in order to comply with the House-passed Democratic version of last Friday, an 8.2-percent reduction across the board in those programs that were left in the pot would have to take place.

And the purpose for my amendment today is to say, as so many people said last Friday, it is time to get started now. We cannot wait. So I am offering that opportunity.

Mr. ROEMER. Mr. Chairman, will the gentleman yield further?

Mr. MACK. I am glad to yield.

Mr. ROEMER. As I also understand the gentleman's amendment, he accepts not the OMB numbers, but accepts the CBO numbers; am I correct in that?

Mr. MACK. At this particular point, the only numbers I have available to me are those of the CBO, that is correct.

Mr. ROEMER. I know the gentleman's amendment is a tough one, but I think it is fair under the circumstances.

Mr. MACK. Mr. Chairman, I thank the gentleman.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, let me say that after having looked at the amendment, I am convinced that the point of order does not lie.

Mr. MACK. I beg pardon?

Mr. SNYDER. I am convinced that the point of order does not lie and I intend to withdraw it shortly, but I am a little bit confused as to what it does.

Mr. MACK. Mr. Chairman, who controls the time?

Mr. SNYDER. The gentleman referred to 91.8 percent of the funds authorized to be appropriated in fiscal year 1986.

Mr. MACK. Mr. Chairman, I reclaim my time just to find out where we are.

Mr. SNYDER. Oh, I am sorrry.

The CHAIRMAN. The Chair would announce that the gentleman from Florida is controlling the time.

The Chair would inquire of the gentleman from Kentucky if he withdraws his point of order?

Mr. SNYDER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

The gentleman from Florida is recognized.

Mr. MACK. Mr. Chairman, I am glad to yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I thank the gentleman.

The gentleman referred to not more than 91.8 percent of the funds authorized to be appropriated and expended in fiscal year 1986. If we stop there, I would assume it would apply to the $1.5 billion that appears in section 1173.

Then it goes ahead and says, bringing the definition of the Balanced Budget Emergency Deficit Control Act of 1985 adopted by the House on November 1. What is that number?

Mr. MACK. The number as I understand it $161 billion.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MACK] has again expired.

(At the request of Mr. SNYDER, and by unanimous consent, Mr. MACK was allowed to proceed for 1 additional minute.)

Mr. MACK. It is $186 billion, the deficit target for 1986.

Mr. SNYDER. Mr. Chairman, if the gentleman will yield further, that is the total figure. What is the figure that the gentleman would be reducing for this function?

Mr. MACK. It is an 8.2-percent reduction across the board.

Mr. SNYDER. What is the base?

Mr. MACK. From the gentleman's authorization bill.

Mr. SNYDER. Oh, our authorization bill then is $1.5 billion in section 1173 for that fiscal year, so that is the number the gentleman would be reducing by.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MACK. Mr. Chairman, if I may reclaim my time, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I think that the amendment language, which I do not have in front of me, indicates that it is in the general provisions section; it would relate to all authorized spending within the bill so that it would not be just that which is in section 11, it would be in all authorizations that would be subject to appropriations in the bill.

Mr. SNYDER. Mr. Chairman, if the gentleman will yield, I think the gentleman is not aware of the fact that in section 1173, we have a cap that can be spent for this whole bill, which is $1.5 billion in the fiscal year which the gentleman mentions.

My question is, Is that the number we are reducing?

The CHAIRMAN. The time of the gentleman from Florida [Mr. MACK has again expired.]

(At the request of Mr. HOWARD, and by unanimous consent, Mr. MACK was allowed to proceed for 5 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

Mr. MACK. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, it is my understanding that if that is the cap that is on spending in the bill, if that is the total amount of money that can be spent in fiscal year 1986, since the amendment only goes to fiscal year 1986, what the amendment would purport to do then is limit the spending to 91.8 percent of the number that is capped in the bill.

Mr. SNYDER. That is of the $1.5 billion for fiscal year 1986; there are other caps for other years, but that is the figure we are using here.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, this figure only goes to fiscal year 1986, because that is the figure around which the Rostenkowski proposal went the other day, where it went to the $161 billion of overall spending.

Mr. SNYDER. Mr. Chairman, could I ask the gentleman in the well if he concurs in that explanation of his amendment?

Mr. MACK. I certainly do.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. MACK. I am glad to yield.

Mr. DURBIN. Mr. Chairman, first, I would like to commend my colleague, the gentleman from Florida, for extending this olive branch. I think we may finally have broken this impasse between the House and the other body by rejecting the approach of the other body. I am sure the gentleman offers this amendment in good faith and has given a clear signal that he is prepared to accept the Rostenkowski approach which we passed in the House of Representatives last week.

Is that a fair summation of the gentleman's position today?

Mr. MACK. If I may reclaim my time, Mr. Chairman, let me suggest to the gentleman that if this amendment were to pass with the support of those individuals who supported the $161 billion deficit reduction plan as outlined by the alternative of the gentleman from Illinois [Mr. ROSTENKOWSKI] on Friday, November 1, I certainly would consider supporting that House position.

Mr. DURBIN. Mr. Chairman, will the gentleman yield further?

Mr. MACK. I am glad to yield?

Mr. DURBIN. Mr. Chairman, if we are going to dispel the darkness of this impass that has been created between the House and the other body, is the gentleman from Florida prepared to light the first candle and suggest that he is going to stand tall now for the Rostenkowski alternative, that he is going to be there voting for the appropriation that is required?

Mr. WALKER. Mr. Chairman, will the gentleman yield to me?

Mr. MACK. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I would say that, of course, there are

more than money figures involved with many of us on this side.

The fact that the Rostenkowski plan was a direct act of sabotage against the whole approach to a balanced budget by first of all requiring a court challenge and then saying that all sections of that bill were subject to being ruled out of order if one section was ruled out of order and then specifically putting one section in the bill that was obviously unconstitutional, it was a direct act of sabotage, without some assurance that the program was going into effect.

A lot of us would be reluctant to accept just an amendment or a program that had only figures in it; so I think that there would be other things involved here, but what this particular amendment does is, it says, let us make real what we said we were going to do the other day. Let us cut the 8.2 percent out of the program as a start.

There are a whole series of other programs, too, that we are going to have to do to get to Rostenkowski.

The CBO also shows that the Older Americans Program would have to be cut, in order to get to that $161 billion, by $94 million compared to $22 million in the Gramm-Mack proposal, that authority for low-income energy assistance would have to be cut by $173 million instead of $40 million in the Gramm-Mack proposal; that student financial assistance would have to be cut by $404 million compared to $94 million in the Gramm-Mack proposal; that we would in fact have to make those kinds of cuts as we go through the process here, but this is a start, and I thank the gentleman for yielding.

Mr. DURBIN. Mr. Chairman, will the gentleman from Florida yield?

Mr. MACK. Possibly in just a moment, but I would just like to make another point.

I realize that this may cause some heartburn, that people may look and say, "Wait a minute. Is this really a serious offer? I mean, come on—8.2 percent?"

What I am saying here today is that in response to what I heard last Friday, I disagreed with the proposal that you all put together, but I am giving the gentleman an opportunity to prove to the American people that we are very serious about reaching that goal of $161 billion.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. MACK. I am glad to yield to the gentleman.

Mr. DURBIN. Mr. Chairman, I believe the gentleman from Florida is acting in good faith and I am prepared to lock arms with my colleague from the opposite side of the aisle to break this impasse, as long as I have an assurance from my colleague that we are going to walk down this path together all the way. As long as I know the gentleman is willing to stand behind the Rostenkowski alternative to the final path and take it all the way through to completion, I am willing to do that; but if the gentleman is going to pick and choose the things he likes about some packages and not others, then perhaps the gentleman's motives might be questioned.

Mr. MACK. Well, again, if I can reclaim my time, I can understand why one might want to question my motives. I understand the gentleman clearly does not do that.

Mr. DURBIN. Clearly, I would not.

Mr. MACK. I am certainly prepared to vote for my own amendment. I mean, I certainly would not want to give the impression that I would not do that.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MACK] has again expired.

Mr. ROE. Mr. Chairman, I rise in opposition to the amendment. I rise in opposition to the amendment because I thought we were proceeding so well here on a very complicated public works bill that was totally bipartisan and we were supposed to be putting together the needs and the infrastructure of the Nation.

Then, regrettably, I hear a very distinguished Member talk like this and we begin to hear that there is the Rostenkowski bill or the Rudman or whatever. I do not know what that has to do with public works.

So I would like to engage the gentleman in a little bit of colloquy if we can get some attention over there.

It is well to put down words. We have had so many people testify or participate today and have said the shadings of language and whatever. The gentleman might have a great idea.

We are under the impression, as the gentleman from Kentucky pointed out, we probably are one of the very responsible committees because we put a ceiling in our bill. Regardless of the authorizations, we have a ceiling for 1986 of $1.5 billion; so we are not going to the Appropriations Committee or any Budget Committee openhanded. We say that is the maximum we feel we can ask for.

The question I am asking the gentleman specifically, is the 91.8 percent—and I reiterate what the gentleman from Kentucky said—is the gentleman talking about 91.8 percent of our cap of the $1.5 billion?

Mr. MACK. I was referring to that number as——

Mr. ROE. No, not what the gentleman is referring to. Does the gentleman's amendment mean that specifically?

Mr. MACK. The amendment means that specifically.

Mr. ROE. So the gentleman is saying to this committee that if we were to accept the amendment at 91.8 percent, as I am understanding it, that that would only diminish our cap of the $1.5 billion by that other 8 percent. Is that what the gentleman is saying? Is that what the amendment does?

Mr. MACK. I am saying 8.2 percent.

Mr. ROE. Is that the specific understanding?

Mr. MACK. That is the specific understanding.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, it strikes me that the legislative history has been pretty well laid out as to what the propounder of the amendment means; but to resolve any doubt, if you put a period after 1986 and struck the rest of the language, then it would be very clear.

Would the gentleman be willing to entertain a unanimous-consent request that we do that?

Mr. MACK. No, we do not accept that.

Mr. SYNDER. Then it makes me wonder what the gentleman means.

Mr. ROE. Well, Mr. Chairman, I believe it is my time, if I am not mistaken.

If we mean that, the gentleman spoke to 1986 and nobody is being surreptitious here, the gentleman might have a good idea. We are listening to him.

If we are coming back and saying we have in our committee put a cap on what we would recommend for expenditures at $1.5 billion, that is far below what we need in this bill; then we are coming back and the gentleman is saying, as I understood the gentleman and he is telling the people of this House, that he wants to put this through, he wants us to be responsible, which we are trying to do, and we are simply asking, is the gentleman saying that that 8.2 percent is what we would be doing—8.2 percent lesser than the $1.5 billion; is that what the gentleman means?

Mr. MACK. I have already answered that several times.

Mr. ROE. And the gentleman is limiting it to 1986, why would the gentleman strike the rest of the language then?

Mr. MACK. I just happen to be married to that language. I do not see what we gain by the changes made.

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

Mr. ROE. I yield to the gentleman.

Mr. WALKER. Mr. Chairman, let me ask the gentleman whether or not the $1.5 billion which is in the gentleman's bill is in fact the same amount——

Mr. ROE. That is the cap in the bill.

Mr. WALKER. Yes, the cap in the bill, is consistent with the Rostenkow-

ski plan that was brought on the floor last week?

Mr. ROE. We are not voting on that. That is not part of the public works bill.

Mr. WALKER. Well, if the gentleman will yield further?

Mr. ROE. Well, it is my time, if it is, sir.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ROE. Well, I know, but I can also take it back, if I understand the rules of the House. I do not want the gentleman to put words in my mouth.

There seems to be acrimony being developed by certain people at the tail end of the public works bill.

We are not disagreeing with the gentleman. We are not dealing with the gentleman from Illinois [Mr. ROSTENKOWSKI] or Senator RUDMAN or anybody else here. The House has not spoken to that issue and the Senate combined.

All I am simply asking, we have an amendment before us and we are willing to try to read the amendment and understand what the gentleman is trying to say and we may accept the amendment. God forbid we should accept an amendment to control financing.

□ 1715

All we are simply saying to the gentleman from Florida, since he is married to that language, is should we offer an amendment if he is married to that language?

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has expired.

(By unanimous consent, Mr. ROE was allowed to proceed for 5 additional minutes.)

Mr. ROE. Mr. Chairman, if the gentleman is talking to the fiscal year 1986, we have no problem with that. So what is the magic?

Mr. WALKER. Mr. Chairman, if the gentleman would yield, when we dealt with the bill on the floor the other day, it was an important distinction on the floor about which category certain spending fell into. This particular spending would fall into category II under that particular bill, which would result in an across-the-board 8.2-percent decrease in spending.

All I am trying to ascertain is whether or not the spending in the gentleman's bill was consistent with the spending that was in that overall budget approach that was brought to the floor the other day. If, in fact, those two match up, it seems to me there is no problem. If in fact, those two do not match up, then there may be somewhat of a problem in this language and I am trying to work that out. There is no acrimony involved. I am trying to find out where we are.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, to start with, it is consistent because that bill the other day deals with outlays and we are dealing with budget authority here. There is no attempt in that bill to deal with the accumulation of budget authority. It would not make any difference if we have $5 billion in budget authority. We still have a limitation on outlays according to the amount appropriated, and then an 8.2-percent reduction from that.

So it is totally consistent to not even reduce budget authority.

Mr. WALKER. If the gentleman would yield further, we are, in fact, dealing with authority here. We can, in fact, map the authority figures. CBO did that in their analysis today. So we can map authority figures as they relate to the particular legislation that was brought to the floor, and that is all we are trying to do, is make certain the two track. If the two figures are similar, if, in fact, this bill tracks with the approach brought to the floor the other day, there is no problem on this. If has been an 8.2-percent reduction and everybody is happy.

Mr. SMITH of Iowa. If the gentleman will yield further, I would say that $1½ billion in budget authority is going to make us considerably less than $1½ billion in outlays in 1986. So you are already way below $1½ billion. I think you are dealing with two different things here.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, let me understand, because I think in trying to implement any of these proposals, whether it is Gramm-Rudman or whether it is the alternative that was adopted on Friday, the question is: What assumptions go into the base to determine what percentage ought to be cut?

The gentleman from Pennsylvania has reached a figure of, I think, 8.9 percent.

Mr. WALKER. 8.2 percent, based upon CBO's analysis.

Mr. PANETTA. All right. Now, 8.2 percent is based on what assumptions? For example, does the gentleman take credit for what the Committee on Appropriations has done in terms of appropriations bills already adopted?

Mr. MACK. Mr. Chairman, if the gentleman would yield, if I could read to the gentleman the wording of the CBO letter as to what they did, I would be glad to do that to clarify the point.

Mr. PANETTA. Just answer my question. In effect, does the gentleman know what assumptions were presented to CBO? Let me ask the gentleman this: Did CBO make an independent judgment here? Yes or no.

Mr. MACK. I feel that they made an independent judgment; yes.

Mr. PANETTA. That is not my understanding. My understanding is that CBO made a judgment based on what was presented to them in terms of assumptions.

Mr. MACK. It says:

We have assumed an outlay base of $982.5 billion, which is the figure we have been using for an illustrative sequester calculation. This reflects current law for entitlements and other mandatory spending in 1985 levels for discretionary accounts.

Mr. PANETTA. But the problem is, and the gentleman was part of the conference, this was an illustrative sequestering. It was not based on firm assumptions as to what went into the base. It was an illustrative development that was done within the context of the conference.

My point is this: If we are going to be serious about this, then the gentleman ought to lay out what assumptions are going into his base to reach the 8.2-percent figure. Do not just throw out an 8.2-percent number.

Mr. ROE. Mr. Chairman, if I may reclaim my time, please, I have an amendment I want to offer.

The CHAIRMAN. Does the gentleman yield back the balance of his time?

Mr. ROE. No, Mr. Chairman, not yet.

The CHAIRMAN. The Chair will advise the gentleman from New Jersey [Mr. ROE] that if he wishes to offer an amendment, he must yield back the balance of his time.

Mr. ROE. Yes. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. For what purpose does the gentleman from New Jersey [Mr. ROE] rise?

AMENDMENT OFFERED BY MR. ROE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MACK

Mr. ROE. Mr. Chairman, I offer an amendment as a substitute of the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE as a substitute for the amendment offered by Mr. MACK: On page 399, after line 5, add the following new section:

"SEC. 1199K. Notwithstanding any other provision of this Act, not more than 91.8 percent of the funds authorized to be appropriated may be expended in fiscal year 1986."

Mr. WALKER. Mr. Chairman, I reserve a point of order on the amendment.

Mr. ROE. Mr. Chairman, we have been working here today and we are putting together a very, very important piece of legislation for this country. It seems to me to be a little bit

sad, if not too bad, that this kind of situation has to arise.

I say to all the people who are going to debate this as we fight in some other arena, it could very readily be that his bill could be delayed or could be defeated. It seems to me that the substitute we are offering here simply tracks exactly what the gentleman said and precisely what he wanted to achieve. He wanted to reduce our cap, which is $1.5 billion, which is one of the few bills around here which has an automatic, built-in cap which is there.

We are willing to accept the substitute and reduce that cap by the 8.2 percent. We are willing to accept that substitute, because that does what the gentleman spoke to.

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. ROE. I most assuredly yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Mr. Chairman, if the gentleman will allow me the time, I want to say that the intent was honest, that the information I have given to the gentleman as far as the CBO is concerned is different from the information that we looked at during the conference. I think it is a good analysis of what would happen under present conditions.

I just want to say to the gentleman, I am prepared to accept his substitute, but I want to make it clear that I intend, each time we have the opportunity, to request that the House live up to what it passed on Friday. Again, as far as I am concerned, that is an 8.2-percent reduction wherever we can get it in the programs that are left in the pot.

Mr. ROE. Let me suggest this point of view as the temperatures here all begin to come down a little bit.

I thoroughly respect the gentleman for his concern and his responsibility. I think when we have a committee like this that is doing the right thing, we are willing to move in that direction, if the gentleman can accept that substitute, then I think we are beginning to make progress.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. ROE. Yes, of course I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank my colleague for yielding and for his efforts here.

Mr. Chairman, let me point out to the other side of the aisle, if I could, that from the same CBO estimates, the paragraph reads further:

> These estimates, however, are highly preliminary and are unlikely to be those which CBO would use for an actual report pursuant to the House-passed Packwood amendments.

Mr. Chairman, I have already said publicly I agree with the spirit of what the gentleman from Florida is trying to do, but let us be careful about the figures. It is too early.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Minnesota.

Mr. STANGELAND. I thank the gentleman for yielding.

I just want to commend the chairman for what he is trying to do. I just want to back up what the gentleman from Louisiana just said.

There is nothing wrong with us cutting the authorization in this bill to the amount necessary for whatever deficit reduction program we pass. But while this House spoke last Friday, that is not the final word. We do not know exactly what the deficit reduction will call for. So while we may reduce today 8.2 percent, the requirement in the final Budget Act may only require 7.5, 5.4, or 3.8.

I think the gentleman is being very magnanimous and I certainly applaud him for his efforts.

Mr. ROE. Mr. Chairman, if the gentleman would indulge in a little bit of colloquy with me on this, I raised concerns, too, in Public Works. I guess we are the first ones on the totem pole to receive this kind of a shock, let us put it that way, or as the distinguished gentleman from Florida says, a little bit of responsibility, which we are.

I think to us, and let me suggest this to the distinguished gentleman from Florida who brought this matter up, to us it is a bit of a crapshoot. I suppose maybe that is not the right word to use on the floor of the House of Representatives, but it connotes that it is a game we play with dice, or the 40 pieces of silver or something like that, as my father taught me.

So what is being suggested to the chairman, and maybe I am moving too fast here, is that it is a crapshoot, but we expect it to be lived up to. In other words, if somebody has some other scheme that goes through the House and they further reduce that, we are not agreeing to that. We are saying this is about the bottom line that we can possibly go to, and there are all kinds of variables involved in this issue.

So I do not think that we could possibly move anywhere beyond that particular figure.

Mr. AUCOIN. Mr. Chairman, I would inquire as to how much time the gentleman from New Jersey [Mr. ROE] has remaining.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has now expired.

(On request of Mr. AUCOIN and by unanimous consent, Mr. ROE was allowed to proceed for 5 additional minutes.)

□ 1725

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman yielding.

I would have to say to my colleagues that I think the gentleman who is managing this bill is handling a surprise move with a great deal of courtesy to the other side of the aisle and with a great deal of evenhandedness. He has agreed to an 8.2-percent reduction in his cap on the basis of information that CBO says is only peliminary in nature in terms of its calculations, and yet the gentleman has agreed to accept that. I want to compliment him for that.

But at the same time, I would like to make a word of warning to all of my colleagues, and that simply is if this is what we are to expect on every single bill that comes forward until this other matter is resolved, then the House is going to be put in the position of accepting and being locked into an 8.2-percent figure when even CBO said, as the gentleman from Louisiana [Mr. ROEMER] brought out only a few minutes ago, when CBO admitted that these are very, very preliminary data. And I think that is a very dangerous situation to force the House into.

So I for one compliment the gentleman who is managing this bill well, as he always does, but certainly do not want to state that in my judgment this is any precedent for how this Member is going to vote, nor, I hope, how the House will vote on future matters of this kind until the other budget and Gramm/Rudman argument is worked out.

I yield back to the gentleman from New Jersey.

Mr. ROE. I thank the gentleman and I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] withdraw his reservation of a point of order?

Mr. WALKER. Yes, Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The reservation of a point of order is withdrawn.

Mr. HOWARD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to provide for the conservation and devlopment of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of

the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 372) entitled "Joint resolution increasing the statutory limit on the public debt."

The message also announced that the Senate concurs in first House amendment to Senate amendment No. 1.

The message also announced that the Senate concurs in second House amendment to Senate amendment No. 1, with an amendment.

The message also announced that the Senate concurs in House amendment to Senate amendment No. 2, with an amendment.

PUBLIC DEBT LIMIT INCREASE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House considers the Senate amendments to the House amendments to the Senate amendments to House Joint Resolution 372, it first consider motions to dispose of the Senate amendment to the House amendment to Senate amendment No. 2.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. MACK

Mr. MACK. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. MACK moves to take from the Speaker's table House Joint Resolution 372, with the Senate amendment to the House amendment to Senate amendment No. 2 and to concur in the Senate amendment as follows:

Senate amendment to House amendment to Senate amendment No. 2.

In lieu of the matter proposed to be inserted by the amendment of the House of Representatives, insert:

TITLE II—DEFICIT REDUCTION PROCEDURES

SEC. 201. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Balanced Budget and Emergency Deficit Control Act of 1985".

(b) TABLE OF CONTENTS.—

TITLE II—DEFICIT REDUCTION PROCEDURES

Sec. 201. Short title and table of contents.
Sec. 202. Congressional budget.
Sec. 203. Budget submitted by the President.
Sec. 204. Emergency powers to eliminate deficits in excess of maximum deficit amounts.
Sec. 205. Budgetary treatment of social security trust funds.
Sec. 206. Budget Act waivers.
Sec. 207. Other waivers and suspensions.
Sec. 208. Supplemental budget estimates.
Sec. 209. Point of order.
Sec. 210. Application.
Sec. 211. Exercise of rulemaking power.
Sec. 212. Sense of the Senate.
Sec. 213. Report required.
Sec. 214. Treatment of certain cost-of-living adjustments.
Sec. 215. Conforming amendment to President's budget.
Sec. 216. Expedited review of constitutionality of this title.
Sec. 217. Permanent technical corrections.
Sec. 218. Congressional Budget Office reports.
Sec. 219. Revenue estimates.
Sec. 220. General Accounting Office study.
Sec. 221. Early election of committees of the House.
Sec. 222. Interest and repayments to Social Security Trust Funds and other retirement funds.
Sec. 223. Reports on national defense.

SEC. 202. CONGRESSIONAL BUDGET.

(a) ONE CONCURRENT RESOLUTION ON THE BUDGET REQUIRED ANNUALLY.—

(1) IN GENERAL.—Section 310 of the Congressional Budget Act of 1974 is amended—

(A) by striking out the section heading and all that follows through "necessary—" in the matter preceding paragraph (1) of subsection (a) and inserting in lieu thereof the following:

"RECONCILIATION PROCESS

"SEC. 310. (a) IN GENERAL.—Any concurrent resolution on the budget considered under section 301 or section 304 for a fiscal year shall, to the extent necessary—";

(B) by striking out subsection (b) and redesignating subsection (c) as subsection (b); and

(C) by inserting at the end thereof the following new subsection:

"(h) COMPLETION OF RECONCILIATION PROCESS IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period for more than three calendar days during the month of July until the House of Representatives has completed action on the reconciliation legislation for the fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains, if reconciliation legislation is required to be reported by the concurrent resolution on the budget for such fiscal year.".

(2) CONFORMING CHANGES.—

(A) The table of contents in subsection (b) of section 1 of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(i) by striking out "Adoption of first concurrent resolution" in the item relating to section 301 and inserting in lieu thereof "Annual adoption of concurrent resolution";

(ii) by striking out "First concurrent resolution" in the item relating to section 303 and inserting in lieu thereof "Concurrent resolution"; and

(iii) by striking out "Second required concurrent resolution and reconciliation" in the item relating to section 310 and inserting in lieu thereof "Reconciliation".

(B) Paragraph (4) of section 3 of such Act is amended—

(i) by adding "and" after the semicolon at the end of subparagraph (A);

(ii) by striking out subparagraph (B); and

(iii) by striking out "(C) any other" and inserting in lieu thereof "(B) a".

(C) Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

"On or before:	Action to be completed:
First Monday after January 3.	President submits his budget.
February 15	Congressional Budget Office submits report to Budget Committees.
February 25	Committees submit views and estimates to Budget Committees.
April 15	Congress completes action on concurrent resolution on the budget.
May 15	Appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last regular appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	House completes action on regular appropriation bills.
October 1	Fiscal year begins.".

(D)(i) The heading of section 301 of the Congressional Budget Act of 1974 is amended to read as follows:

"ANNUAL ADOPTION OF CONCURRENT RESOLUTION".

(ii) Section 301(a) of such Act is amended by striking out "the first concurrent resolution on the budget" in the first sentence and inserting in lieu thereof "a concurrent resolution on the budget".

(iii) Section 301(b) of such Act is amended—

(I) by striking out "first concurrent resolution on the budget" in the matter preceding paragraph (1) and inserting in lieu thereof "concurrent resolution on the budget referred to in subsection (a)"; and

(II) in paragraph (1) by striking out all beginning with "the concurrent resolution" through "both" the second place it appears and inserting in lieu thereof "the Congress has completed action on any reconciliation bill or reconciliation resolution, or both, required by such concurrent resolution to be reported in accordance with section 310(b)".

(iv) Section 301(c) of such Act is amended by striking out "March 15" and inserting in lieu thereof "February 25".

(v) Section 301(e) of such Act is amended by striking out "first concurrent resolution on the budget" each place it appears and inserting in lieu thereof "concurrent resolution on the budget referred to in subsection (a)".

(vii) Section 301 of such Act is amended by inserting at the end thereof the following new subsections:

"(g) CONSIDERATION OF PROCEDURES OR MATTERS WHICH HAVE THE EFFECT OF CHANGING ANY RULE OF THE HOUSE OF REPRESENTATIVES.—If the Committee on the Budget of the House of Representatives reports any concurrent resolution on the budget which includes any procedure or matter which has the effect of changing any rule of the House of Representatives, such concurrent resolution shall then be referred to the Committee on Rules with instructions to report it within five calendar days (not counting any day on which the House is not in session). The Committee on Rules shall have the jurisdiction to report any concurrent resolution referred to it under this paragraph with an amendment or amendments which change or strike out any such procedure or matter.

"(h) BUDGET COMMITTEES CONSULTATION WITH STANDING COMMITTEES.—The Committee on the Budget of each House shall consult with the standing committees of its House during the preparation, consideration, and enforcement of the concurrent

resolution on the budget with respect to all matters which relate to the jurisdiction or functions of such committees.".

(E) Section 302(c) of such Act is amended by striking out "or 310".

(F)(i) The heading of section 303 of such Act is amended by striking out "FIRST".

(ii) Section 303(a) of such Act is amended by striking out "first concurrent resolution on the budget for such fiscal year has been agreed to pursuant to section 301" in the matter following paragraph (4) and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a) for such fiscal year has been agreed to".

(G) Section 303(a) of such Act is amended—

(i) by striking out "or" at the end of paragraph (3),

(ii) by inserting "or" at the end of paragraph (4), and

(iii) by adding the following new paragraph:

"(5) new credit authority for a fiscal year;".

(H) Section 304 of such Act is amended—

(i) by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)"; and

(ii) by striking out "pursuant to section 301".

(I)(i) Section 305(a)(3) of such Act is amended by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)".

(ii) Section 305(b) of such Act is amended—

(I) in paragraph (1) by striking out ", except that" and all that follows through "15 hours"; and

(II) in paragraph (3) by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)".

(J) Section 307 of such Act is amended to read as follows:

"HOUSE COMMITTEE ACTION ON ALL APPROPRIATION BILLS TO BE COMPLETED BY JUNE 10

"SEC. 307. On or before June 10 of each year, the Committee on Appropriations of the House of Representatives shall report bills and resolutions providing new budget authority under the jurisdiction of all of its subcommittees for the fiscal year which begins on October 1 of that year.".

(K) Section 308(a)(2)(A) of such Act is amended by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)".

(L) Section 309 of such Act is amended to read as follows:

"HOUSE APPROVAL OF REGULAR APPROPRIATION BILLS

"SEC. 309. It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than three calendar days during the month of July until the House of Representatives has approved bills and resolutions providing new budget authority under the jurisdiction of all the subcommittees of the Committee on Appropriations for the fiscal year beginning on October 1 of such year, other than supplemental, deficiency, and continuing appropriation bills and resolutions.".

(M) Section 310(f) of such Act is amended by striking out "subsection (a)" and inserting in lieu thereof "section 301(a)".

(N) Section 311(a) of such Act is amended—

(i) by striking out "310(a)" the first place it appears and inserting in lieu thereof "301(a)"; and

(ii) by striking out "310(c)" and inserting in lieu thereof "310(b)".

(b) MAXIMUM DEFICIT AMOUNTS.—

(1) ANNUAL CONCURRENT RESOLUTION ON THE BUDGET.—

(A) POINT OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and inserting after subsection (b) the following new subsection:

"(c) MAXIMUM DEFICIT AMOUNT MAY NOT BE EXCEEDED.—

"(1)(A) Except as provided in paragraph (2), it shall not be in order in either the House of Representatives or the Senate to consider any concurrent resolution on the budget for a fiscal year under this section, or to consider any amendment to such a concurrent resolution, or to consider a conference report on such a concurrent resolution, if the level of total budget outlays for such fiscal year that is set forth in such concurrent resolution or conference report (or that would result from the adoption of such amendment), exceeds the recommended level of Federal revenues for that year by an amount that is greater than the maximum deficit amount specified for such fiscal year in section 3(7).

"(B) In the House of Representatives the point of order established under subparagraph (A) with respect to the consideration of a conference report or with respect to the consideration of a motion to concur, with or without an amendment or amendments, in a Senate amendment, the stage of disagreement having been reached, may be waived only by three-fifths of the Members voting for or against the waiver, a quorum being present.

"(2) Paragraph (1) of this subsection shall not apply if a declaration of war by the Congress is in effect.".

(B) CONFORMING CHANGES.—

(i) Section 301(a)(6) of such Act is amended by striking out "subsection (e)" and inserting in lieu thereof "subsection (f)".

(ii) Section 301(e) of such Act, as redesignated by clause (i) of this subparagraph, is amended by inserting "; and when so reported such concurrent resolution shall comply with the requirement described in paragraph (1) of subsection (c), unless such paragraph does not apply to such fiscal year by reason of paragraph (2) of such subsection" after "October 1 of such year" in the third sentence thereof.

(2) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304 of such Act is amended—

(A) by inserting "(a) IN GENERAL.—" after "SEC. 304."; and

(B) by adding at the end thereof the following new subsection:

"(b) MAXIMUM DEFICIT AMOUNT MAY NOT BE EXCEEDED.—

"(1)(A) Except as provided in paragraph (2), it shall not be in order in either the House of Representatives or the Senate to consider any concurrent resolution on the budget for a fiscal year under this section, or to consider any amendment to such a concurrent resolution, or to consider a conference report on such a concurrent resolution, if the level of total budget outlays for such fiscal year that is set forth in such concurrent resolution or conference report (or that would result from the adoption of such amendment), exceeds the recommended level of Federal revenues for that year by an amount that is greater than the maximum deficit amount specified for such fiscal year in section 3(7).

"(B) In the House of Representatives the point of order established under subparagraph (A) with respect to the consideration of a conference report or with respect to the consideration of a motion to concur, with or without an amendment or amendments, in a Senate amendment, the stage of disagreement having been reached, may be waived only by three-fifths of the Members voting for or against the waiver, a quorum being present.

"(2) Paragraph (1) of this subsection shall not apply if a declaration of war by the Congress is in effect.".

(3) DEFINITIONS.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new paragraphs:

"(6) The term 'deficit' means, with respect to any fiscal year, the amount by which total budget outlays for such fiscal year exceed total revenues for such fiscal year. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (and notwithstanding section 710(a) of the Social Security Act), the receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a fiscal year, and the taxes payable under sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954 during such fiscal year, shall be included in total revenues for such fiscal year, and the disbursements of each such Trust Fund for such fiscal year shall be included in total budget outlays for such fiscal year. Notwithstanding any other provision of law, for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, the budget authority and outlays of each off-budget Federal entity for a fiscal year shall be included in total budget authority, total budget outlays, and the amounts of budget authority and outlays set forth for each major functional category, for such fiscal year. Amounts paid by the Federal Financing Bank for the purchase of loans made or guaranteed by a department, agency, or instrumentality of the Government of the United States shall be treated as outlays of that department, agency, or instrumentality.

"(7) The term 'maximum deficit amount' means—

"(A) with respect to the fiscal year beginning October 1, 1985, $180,000,000,000;

"(B) with respect to the fiscal year beginning October 1, 1986, $144,000,000,000;

"(C) with respect to the fiscal year beginning October 1, 1987, $108,000,000,000;

"(D) with respect to the fiscal year beginning October 1, 1988, $72,000,000,000;

"(E) with respect to the fiscal year beginning October 1, 1989, $36,000,000,000; and

"(F) with respect to the fiscal year beginning October 1, 1990, zero.

"(8) The term 'off-budget Federal entity' means any entity—

"(A) established by Federal law, and

"(B) the budget outlays of which are required by law to be excluded from the totals of—

"(i) the budget of the United States Government submitted by the President pursuant to section 1105 of title 31, United States Code, and

"(ii) the budget adopted by the Congress pursuant to title III of this Act.

"(9) The term "credit authority" means authority to incur direct loan obligations or

to incur primary loan guarantee commitments.".

(c) RECONCILIATION.—

(1) ANNUAL CONCURRENT RESOLUTION ON THE BUDGET.—

(A) DIRECTIONS TO COMMITTEES.—Section 301(b) of the Congressional Budget Act of 1974 is further amended—

(i) by striking out "may also require" in the matter preceding paragraph (1) and inserting in lieu thereof "shall also, to the extent necessary to comply with subsection (c)";

(ii) by inserting "require" after the paragraph designation in paragraph (1);

(iii) by inserting "require" after the paragraph designation in paragraph (2); and

(iv) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) specify and direct any combination of the matters described in paragraphs (1), (2), and (3) of section 310(a);".

(B) CONFORMING CHANGES.—

(i) Section 310(a) of such Act is amended—

(I) by inserting "or" at the end of paragraph (2);

(II) by striking out "; or" at the end of paragraph (3) and inserting in lieu thereof a period; and

(III) by striking out paragraph (4).

(ii) Section 310(d) of such Act is amended by striking out "subsection (c)" and all that follows through "year" and inserting in lieu thereof "subsection (b) with respect to a concurrent resolution on the budget adopted under section 301(a) not later than June 15 of each year".

(iii) Subsections (e) and (f) of section 310 of such Act are amended by striking out "subsection (c)" each place it appears and inserting in lieu thereof "subsection (b)".

(2) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—

(A) IN GENERAL.—Section 304(a) of such Act (as redesignated by paragraph (2)(A) of subsection (b)) is amended by adding after the period the following new sentence: "Any concurrent resolution agreed to under this section shall specify and direct any combination of the matters described in paragraphs (1), (2), and (3) of section 310(a) to the extent necessary to comply with subsection (b).".

(B) CONFORMING CHANGE.—Section 310(d) of such Act (as amended by paragraph (1)(B) of this subsection) is further amended by adding at the end thereof the following new sentence: "Congress shall complete action on any reconciliation bill or reconciliation resolution reported under subsection (b) with respect to a concurrent resolution on the budget adopted under section 304(a) not later than 30 days after the adoption of the concurrent resolution.".

(d) LIMITATION ON AMENDMENTS.—

(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—

(A) HOUSE OF REPRESENTATIVES.—Section 305(a) of such Act is amended to read as follows:

"PROVISIONS RELATING TO THE CONSIDERATION OF CONCURRENT RESOLUTIONS ON THE BUDGET

"SEC. 305. (a) PROCEDURE IN HOUSE OF REPRESENTATIVES AFTER REPORT OF COMMITTEE; DEBATE.—

"(1) When the Committee on the Budget of the House has reported any concurrent resolution on the budget, it is in order at any time after the fifth day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution by the Committee on the Budget has been available to Members of the House and, if applicable, after the first day (excluding Saturdays, Sundays, and legal holidays) following the day on which a report upon such resolution by the Committee on Rules pursuant to section 301(c) has been made available to Members of the House (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties, plus such additional hours of debate as are consumed pursuant to paragraph (3). A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

"(3) Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the House, there shall be a period of up to four hours for debate on economic goals and policies.

"(4) Only if a concurrent resolution on the budget reported by the Committee on the Budget of the House sets forth the economic goals (as described in sections 3(a)(2) and 4(b) of the Full Employment Act of 1946) which the estimates, amounts, and levels (as described in section 301(a)) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

"(5) Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be considered for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

"(6) Debate in the House of Representatives on the conference report on any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

"(7)(A) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

"(B)(i) No amendment that would have the effect of increasing any specific budget outlays above the level of such outlays set forth in a concurrent resolution on the budget, or of reducing any specific Federal revenues below the level of such revenues set forth in such concurrent resolution, shall be in order unless such amendment ensures that the amount of the deficit for any fiscal year set forth in such concurrent resolution is not increased, by making at least an equivalent reduction in other specific budget outlays or at least an equivalent increase in other specific Federal revenues, or at least any equivalent combination thereof.

"(ii) Clause (i) of this subparagraph shall not apply if a declaration of war by the Congress is in effect.".

(B) SENATE.—Section 305(b)(2) of such Act is amended—

(i) by inserting "(A)" before the paragraph designation; and

(ii) by adding at the end thereof the following new subparagraph:

"(B)(i) No amendment that would have the effect of increasing any specific budget outlays above the level of such outlays set forth in a concurrent resolution on the budget, or of reducing any specific Federal revenues below the level of such revenues set forth in such concurrent resolution, shall be in order unless such amendment ensures that the amount of the deficit for any fiscal year set forth in the concurrent resolution is not increased, by making at least an equivalent reduction in other specific budget outlays or at least an equivalent increase in other specific Federal revenues, or at least any equivalent combination thereof.

"(ii) Clause (i) of this subparagraph shall not apply if a declaration of war by the Congress is in effect.".

(2) RECONCILIATION BILLS AND RESOLUTIONS.—Section 310 of such Act is amended by inserting after subsection (b) (as redesignated by subsection (a)(1)(C)) the following new subsection:

"(c) LIMITATION ON AMENDMENTS TO RECONCILIATION BILLS AND RESOLUTIONS.—

"(1)(A) It shall not be in order in the Senate to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of increasing any specific budget outlays above the level of such outlays provided in the bill or resolution, or would have the effect of reducing any specific Federal revenues below the level of such revenues provided in the bill or resolution, unless such amendment ensures that the amount of the deficit for any fiscal year set forth in the most recently agreed to concurrent resolution on the budget is not exceeded, by making at least an equivalent reduction in other specific budget outlays or at least an equivalent increase in other specific Federal revenues, or at least any equivalent combination thereof, except that a motion to strike a provision shall always be in order.

"(B) In the House of Representatives, no provision shall be reported in any reconciliation bill, or be in order as an amendment thereto, which is not related to achieving the purposes of the directives to committees contained in the most recently agreed to concurrent resolution: Provided, That nothing in this subparagraph shall be construed to prevent the consideration of any provision in a reconciliation bill or, or any amendment thereto, which only achieves savings greater than those directed of a committee,

or to prevent the consideration of motions to strike made in order by the Committee on Rules to achieve the purposes of the directives. For the purposes of this paragraph, a provision shall be considered related to achieving the purposes of directives contained in the most recently agreed to budget resolution if it is estimated by the Committee on the Budget, in consultation with the Congressional Budget Office, to effectuate or implement a reduction in budget authority or in new spending authority described in section 401(c)(2)(C), or to raise revenues, or both, and, in the case of an amendment, if it is within (in whole or in part) the jurisdiction of any committees instructed in the concurrent resolution. The point of order in this subparagraph shall not apply to Senate amendments or to conference reports.

"(2) Paragraph (1) shall not apply if a declaration of war by the Congress is in effect.".

(e) ENFORCEMENT.—

(1) ALLOCATIONS OF BUDGET AUTHORITY AND OUTLAYS.—

(A) REPORTING DATE FOR ALLOCATIONS.—Section 302(b) of such Act is amended by striking out "Each such committee shall promptly report" in the last sentence and inserting in lieu thereof "Each such committee, within ten days of session after the concurrent resolution is agreed to, shall report".

(B) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(i) new budget authority for any fiscal year;

(ii) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in any fiscal year; or

(iii) direct loan authority, primary loan guarantee authority, or secondary loan guarantee authority for any fiscal year;

within the jurisdiction of any committee which has received an allocation of budget authority or new spending authority described in section 401(c)(2)(C) pursuant to section 302(a) of the Congressional Budget Act for a fiscal year, unless and until such committee makes the allocation or subdivisions required by section 302(b) of the Congressional Budget Act, in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year.

(C) ALLOCATIONS MADE BINDING.—Section 311 of such Act is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and inserting immediately after "SEC. 311" the following new subsection:

"(a) LEGISLATION SUBJECT TO POINT OF ORDER AFTER ADOPTION OF ANNUAL CONCURRENT RESOLUTION ON THE BUDGET.—

"(1) IN GENERAL.—At any time after the Congress has completed action on the concurrent resolution on the budget required to be reported under section 301(a) for a fiscal year, it shall not be in order—

"(A) in the Senate—

"(i) to consider any bill or resolution (including a conference report thereon), or any amendment to a bill or resolution, that provides for budget outlays or new budget authority in excess of the appropriate allocation of such outlays or authority reported under section 302(b) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year; or

"(ii) to consider any bill or resolution (including a conference report thereon), or any amendment to a bill or resolution, that provides new spending authority described in section 401(c)(2)(C) to become effective during such fiscal year, if the amount of budget outlays or new budget authority that would be required for such year if such bill or resolution were enacted without change or such amendment were adopted would exceed the appropriate allocation of budget outlays or new budget authority reported under section 302(b) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year, unless such bill, resolution, or amendment was favorably reported by the Committee on Appropriations of the House involved under section 401(b)(2) along with a certification that if such bill, resolution, or amendment is enacted or adopted, the committee will reduce appropriations or take any other actions necessary to assure that the enactment or adoption of such bill, resolution, or amendment will not result in a deficit for such fiscal year in excess of the maximum deficit amount specified for such fiscal year in section 3(7); or

"(B) In the House of Representatives—

"(i) to consider any bill or resolution (including a conference report thereon), or any amendment to a bill or resolution, that provides for new budget authority or new spending authority described in section 401(c)(2)(C) in excess of the appropriate allocation of such authority reported under section 302(b) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year; or

"(ii) the point of order established under subparagraph (B)(i) may be waived only by three-fifths of the Members voting for or against the waiver, a quorum being present.

"(2) ALTERATION OF 302(b) ALLOCATIONS.—At any time after a committee reports the allocations required to be made under section 302(b), such committee may report to its House an alteration of such allocations. Any such alteration of allocations must be consistent with any actions already taken by its House on legislation within the committee's jurisdiction.

"(3) EXCEPTION.—Paragraph (1) shall not apply if a declaration of war by the Congress is in effect.".

(D) CONFORMING CHANGE.—Section 311(c) of such Act (as redesignated by subparagraph (C)) is amended by striking out "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)".

(2) MAXIMUM DEFICIT AMOUNT MAY NOT BE EXCEEDED.—Section 311(b) of such Act, as redesignated by paragraph (1)(C) of this subsection, is amended by inserting before the period at the end thereof the following: "or, in the Senate, would otherwise result in a deficit for such fiscal year that exceeds the maximum deficit amount specified for such fiscal year in section 3(7) (except to the extent that paragraph (1) of section 301(c) or section 304(b), as the case may be, does not apply by reason of paragraph (2) of such subsection)".

(3) REPORTING REQUIREMENT EXTENDED TO CONFERENCE REPORTS.—Section 308(a) of such Act is amended by striking out "the report accompanying that bill or resolution" in the matter preceding paragraph (1) and inserting in lieu thereof the following: "or whenever a conference report is filed in either House, the report accompanying that bill or resolution or the statement of managers accompanying that conference report".

SEC. 203. BUDGET SUBMITTED BY THE PRESIDENT.

(a) MAXIMUM DEFICIT AMOUNT MAY NOT BE EXCEEDED.—Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared on the basis of the best estimates then available, in such a manner as to ensure that the deficit for such fiscal year shall not exceed the maximum deficit amount specified for such fiscal year in section 3(7) of the Congressional Budget and Impoundment Control Act of 1974.

"(2) Subject to paragraph (3) of this subsection, the deficit set forth in the budget so transmitted for any fiscal year shall not exceed the maximum deficit amount specified for such fiscal year in section 3(7) of the Congressional Budget and Impoundment Control Act of 1974, with budget outlays and Federal revenues at such levels as the President may consider most desirable and feasible.

"(3) Paragraph (2) shall not apply if a declaration of war by the Congress is in effect.".

(b) REVISIONS AND SUPPLEMENTAL SUMMARIES.—Section 1106 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Subsection (f) of section 1105 shall apply to revisions and supplemental summaries submitted under this section to the same extent that such subsection applies to the budget submitted under section 1105(a) to which such revisions and summaries relate.".

SEC. 204. EMERGENCY POWERS TO ELIMINATE DEFICITS IN EXCESS OF MAXIMUM DEFICIT AMOUNTS.

(a) REPORTING OF DEFICITS IN EXCESS OF MAXIMUM DEFICIT AMOUNTS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget and the Director of the Congressional Budget Office (hereafter in this section referred to as "the Directors") shall, with respect to any fiscal year (A) estimate the base levels of total revenues and total budget outlays for such fiscal year, (B) determine whether the deficit for such fiscal year will exceed the maximum deficit amount for such fiscal year and whether such excess is statistically significant, and (C) estimate the rate of real economic growth that will occur during such fiscal year and the rate of economic growth that will occur during each quarter of such fiscal year. The Directors jointly shall issue a report to the Comptroller General on December 10 of the fiscal year beginning October 1, 1985, and on September 15 preceding each succeeding fiscal year identifying the amount of any excess, stating whether such excess is statistically significant, specifying the estimated rate of real economic growth for such fiscal year and for each quarter of such fiscal year, and specifying the uniform percentage by which automatic spending increases shall be reduced during such fiscal year and the uniform percentage by which controllable expenditures shall be reduced during such fiscal year in order to eliminate any such excess. In the event that the Directors are unable to agree on an amount to be set forth with respect to any item in any such report, the amount set forth for such item in such report shall be the average of the amounts proposed by each of them with respect to such item. The Directors shall make such report public on the day on which it is transmitted to the Comptroller General. The Comptroller General shall consider the report issued by the Directors for a fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, the Comptroller General shall issue a report to the President and the Congress not later than December 15 (for fiscal year 1986) and the September 25 preceding each fiscal year thereafter (for fiscal years 1987 through

1991), estimating the base levels of total revenues and total budget outlays for such fiscal year, identifying the amount by which the deficit for such fiscal year will exceed the maximum deficit amount for such fiscal year, stating whether such excess is statistically significant, specifying the estimated rate of real economic growth for such fiscal year and for each quarter of such fiscal year, and specifying the uniform percentage by which automatic spending increases shall be reduced during such fiscal year and the uniform percentage by which controllable expenditures shall be reduced during such fiscal year in order to eliminate any such excess. The report of the Comptroller General shall explain fully any differences between the contents of such report and the report of the Directors.

(2) EXCEPTION.—Paragraph (1) shall not apply if a declaration of war by the Congress is in effect.

(b) PRESIDENTIAL ORDER.—

(1) CONTENTS.—

(A) IN GENERAL.—Upon receipt of any report from the Comptroller General under subsection (a) of this section which identifies a statistically significant amount by which the deficit for a fiscal year will exceed the maximum deficit amount for such fiscal year, the President shall eliminate the full amount of the deficit excess by issuing an order, in accordance with subparagraph (B), that—

(i) subject to the succeeding subparagraphs, and notwithstanding the Impoundment Control Act of 1974, eliminates one-half of such excess by modifying or suspending the operation of each provision of Federal law that would (but for such order) require an automatic spending increase to take effect during such fiscal year, in such a manner as to reduce (but not below zero) the amount of the outlay increase under each such provision by a uniform percentage, and

(ii) subject to the succeeding subparagraphs, and notwithstanding the Impoundment and Control Act of 1974, eliminates one-half of such excess by sequestering from each affected program, project, or activity (as defined in the most recently enacted relevant appropriations Acts and accompanying committee reports) or from each affected account if not so defined, for funds provided in annual appropriations Acts or, otherwise from each budget account, such amounts of budget authority, obligation limitation, other budgetary resources, and loan limitation, and by adjusting payments provided by the Federal Government, to the extent necessary to reduce the outlays for each controllable expenditure by a uniform percentage; and

shall transmit to both Houses of the Congress a message—

(iii) identifying—

(I) the total amount and the percentage by which automatic spending increases are to be reduced under clause (i) of this subparagraph;

(II) the total amount of budget authority, obligation limitations, loan limitations, and other budgetary resources which is to be sequestered under clause (ii) of this subparagraph with respect to controllable expenditures;

(III) the amount of budget authority, obligation limitations, loan limitations, and other budgetary resources which is to be sequestered with respect to each such controllable expenditure in order to reduce it by the required percentage; and

(IV) the account, department, or establishment of the Government to which each amount of budget authority, obligation limitations, loan limitations, and other budgetary resources described in clause (ii) of this subparagraph would be available for obligation; and

(iv) providing full supporting details with respect to each action to be taken under clause (i) or (ii) of this subparagraph.

Upon receipt in the Senate and the House of Representatives, the message shall be referred to all committees with jurisdiction over programs, projects, or activities affected by it.

(B) EXCEPTION.—If, in order to reduce by one-half the amount by which the deficit for a fiscal year exceeds the maximum deficit amount for such fiscal year, actions under subparagraph (A)(i) would require the reduction of automatic spending increases below zero, then, in order not to require such reductions below zero, the remaining amount shall be achieved through further uniform reductions under subparagraph (A)(ii).

(C) LIMITATION.—No action taken by the President under clause (i) or (ii) of subparagraph (A) shall have the effect of eliminating any program, project, or activity of the Federal Government.

(D) LIMITATION.—Any automatic spending increases modified or suspended, or any amounts of budget authority, obligation limitation, other budgetary resources, or loan limitations sequestered by an order of the President under this title are permanently cancelled, and the legal rights, if any, of persons to receive such automatic spending increases shall be deemed to be extinguished to the extent that the operation of laws providing for such increases are modified or suspended by such an order. Notwithstanding any other provision of law, any change in the Consumer Price Index or any other index measuring costs, prices, or wages (or in any component of any such index) that is not taken into account for purposes of determining the amount of an automatic spending increase (if any) for a fiscal year for which an order is issued pursuant to subparagraph (A) shall not be taken into account for purposes of determining any automatic spending increase during any fiscal year thereafter.

(E) LIMITATION.—Nothing in clause (i) or (ii) of subparagraph (A) shall be construed to give the President new authority to alter the relative priorities in the Federal budget that are established by law, and no person who is, or becomes, eligible for benefits under any provision of law shall be denied eligibility by reason of this title.

(F) BASE LEVELS.—

(i) IN GENERAL.—Any order issued by the President under this paragraph shall use the base levels of total revenues and total budget outlays (as defined in paragraph (11) of subsection (d)) and the uniform percentage reductions specified in the report issued by the Comptroller General pursuant to subsection (a), adjusted, as provided in clause (ii), for any laws enacted or regulations promulgated between the date the base levels for such report were established and the date of such order. The order shall also use the same economic and technical assumptions used in the report issued by the Comptroller General pursuant to subsection (a).

(ii) ADJUSTMENTS FOR INTERVENING LEGISLATION.—

(I) With respect to legislation enacted or regulations promulgated after an estimation of base levels under subsection (a)(1) for a fiscal year but before the date of the report of the Comptroller General under such subsection for such fiscal year and which have budgetary impact, the Directors shall transmit to the Comptroller General on September 24 a joint report estimating the budgetary impact of such legislation or regulations. On September 25, the Comptroller General shall transmit to the President and to the Congress a report estimating the cost of such legislation or regulations, with due regard for the contents of the Directors' report, and stating his reasons for any divergence therefrom.

(II) With respect to legislation enacted or rules promulgated after the date of the report of the Comptroller General under subsection (a)(1) for a fiscal year but before the date of an order issued under subsection (b)(1) for such fiscal year and which have budgetary impact, the Directors shall transmit to the Comptroller General on each day on which legislation is enacted or rules are promulgated a joint report estimating the budgetary impact of such legislation or regulations. On the same day on which the Directors' report is received, the Comptroller General shall transmit to the President and to the Congress a report estimating the budgetary impact of such legislation or regulations, with due regard for the contents of the Directors' report, and stating his reasons for any divergence therefrom.

(G) FEDERAL PAY.—For purposes of any order issued under subparagraph (A), Federal pay under statutory pay systems (within the meaning of section 5301(c) of title 5, United States Code) and pay of members of the uniformed services (as defined in section 101(3) of title 37, United States Code) shall be treated as controllable expenditures and shall be subject to the uniform percentage reduction under the order; except that (i) no such order may reduce the rate of pay (in the case of a civilian officer or employee of the Government) or the rate of basic pay (in the case of a member of the uniformed services) to which any individual is entitled on the effective date of the order under any such statutory pay system or title 37, United States Code, as the case may be, and (ii) any increase in such rates of pay or rates of basic pay which is scheduled to take effect under section 5305 of title 5, United States Code, section 1009 of title 37, United States Code, or any other provision of law may be reduced under such order only by the uniform percentage reduction.

(H) TREATMENT OF OFF-BUDGET ENTITIES.—Notwithstanding any other provision of law, outlays for each off-budget Federal entity (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974) shall be subject to uniform percentage reductions under any order issued under subparagraph (A). Amounts paid by the Federal Financing Bank for the purchase of loans made or guaranteed by a department, agency, or instrumentality of the Government of the United States shall be treated as outlays of that department, agency, or instrumentality.

(I) MEDICARE PROGRAM AND ADMINISTRATIVE EXPENSES OF SOCIAL SECURITY TRUST FUNDS.—(i) Reductions pursuant to the order issued under subparagraph (A) of this paragraph shall apply to payments under title XVIII of the Social Security Act so as to reduce all payments under such title for items or services furnished during the period of the order by the uniform percentage reduction specified in such order.

(ii) Payments which are made under such title from annual appropriations and payments for administrative expenses which are made pursuant to limitations on expendi-

tures from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplemental Medical Insurance Trust Fund contained in annual appropriations Acts, shall be reduced for the period of the order by the uniform percentage reduction specified in the order.

(iii) The President may not, pursuant to any authority granted in this section, increase any deductible, coinsurance amount, or premium amount under such title.

(iv) This clause shall not apply to payments for clinical diagnostic laboratory tests to which section 1833(h) the Social Security Act applies.

(J) MEDICAID PROGRAM.—Reductions pursuant to the order issued under subparagraph (A) of this paragraph shall apply to payments under title XIX of the Social Security Act so as to reduce all payments to States under such title for State expenditures for medical assistance furnished, and administrative expenses incurred, during the period of the order by the uniform percentage reduction specified in the order.

(K) AFDC, FOSTER CARE, AND ADOPTION ASSISTANCE.—Reductions pursuant to the order issued under subparagraph (A) of this paragraph shall apply to payments under parts A and E of title IV of the Social Security Act so as to reduce all payments to States under such parts for State expenditures for aid to families with dependent children, foster care maintenance payments, adoption assistance payments, and administrative expenses, made during the period of the order by the uniform percentage reduction specified in the order.

(L) PROHIBITION ON ALTERING PAYMENT TIMETABLE.—No State may, after the date of the enactment of this Act, change the timetable for making payments under a State plan approved under title XIX of the Social Security Act or under part A or E of title IV of such Act, which has the effect of changing the fiscal year in which expenditures under such title or part are made.

(M) UNEMPLOYMENT COMPENSATION.—(i) The order under subparagraph (A) of this paragraph shall not apply to payments of regular unemployment compensation made by a State from amounts in the State's account in the Unemployment Trust Fund, and shall not apply to loans to States made under title XII of the Social Security Act.

(ii) The reduction required pursuant to the order issued under subparagraph (A) of this paragraph shall apply to Federal payments made under the Federal-State Extended Unemployment Compensation Act of 1970 so as to reduce payments to States for extended compensation (or sharable regular compensation) for weeks of unemployment occurring during the period of the order by the uniform percentage reduction specified in the order.

(iii) The reductions required pursuant to the order issued under subparagraph (A) of this paragraph shall apply to amounts payable to States pursuant to titles III and IX of the Social Security Act and under the Wagner-Peyser Act so as to reduce payments to States under such provisions for the period of the order by the uniform percentage reduction specified in the order.

(N) TREATMENT OF CERTAIN BENEFITS.—For purposes of clause (i) of subparagraph (A), increases in black lung benefits and special benefits for disabled coal miners which are required by reason of increases in Federal pay shall be considered to be indexed by such Federal pay increases.

(O) TREATMENT OF CHILD SUPPORT ENFORCEMENT PROGRAM.—Any order issued by the President under subparagraph (A) shall accomplish the full amount of the required reduction in expenditures under the child support enforcement program (established by part D of title IV of the Social Security Act) by reducing the Federal matching rate for State administrative costs under such program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary (as provided in the report submitted under section 203 of this title) to reduce such expenditures by that amount.

(P) FISCAL YEAR 1986 REDUCTIONS.—In the case of fiscal year 1986, the reductions and sequestrations required by the order issued pursuant to subparagraph (A) of this paragraph shall be pro rated on the basis of the number of remaining months in such fiscal year.

(Q) COMMODITY CREDIT CORPORATION.—

(i) REDUCTION IN PAYMENTS MADE UNDER CONTRACTS.—After an order is issued under subparagrah (A) for a fiscal year, any payment made by the Commodity Credit Corporation—

(I) under the terms of any contract entered into in such fiscal year; and

(II) out of an entitlement account,

to any person (including any producer, lender, or guarantee entity) shall be deemed to be a controllable expenditure and shall be subject to reduction under the order. Any contract entered into in a fiscal year after an order has been issued under subparagraph (A) for such fiscal year shall provide explicitly for such reduction to be made for the entire period for which such contract is in effect and that in regard to commodity loans made to producers or producer cooperatives for a commodity produced in the same crop year, those loans for the same commodity shall be subject to the same terms and conditions.

(ii) REDUCTION IN NONCONTRACTUAL PRICE SUPPORT PROGRAMS.—Price support provided for an agricultural commodity through the Commodity Credit Corporation by a method other than a payment of the type described in clause (i) shall be deemed to be a controllable expenditure, and such level of price support for the fiscal year for which an order is issued under this subsection shall be subject to reduction under the order.

(iii) ADJUSTMENTS TO ACHIEVE REDUCTIONS.—In order to reduce expenditures for programs of the Commodity Credit Corporation as required under the Presidential order, the Secretary of Agriculture is authorized to adjust both target prices and loan rates in such a manner as to achieve the required percentage reduction of such order.

(iv) OPERATING AND ADMINISTRATIVE EXPENSES.—Operating and administrative expenses of the Commodity Credit Corporation shall be considered controllable expenditures and shall be subject to reduction under the order.

(v) UNIFORM PERCENTAGE RATE OF REDUCTION.—All reductions described in clauses (i), (ii), (iii), and (iv) required to be made in connection with an order issued under subparagraph (A) for a fiscal year shall be made at a uniform percentage rate and may not be made at a rate exceeding the rate of reduction specified in the order for the programs to which such subsections apply.

(R) TREATMENT OF LENDING ACTIVITIES OF ENTITIES PROVIDING FEDERAL GUARANTEES FOR STUDENT LOANS.—For the purposes of this title, the lending activities of entities providing Federal guarantees for student loans shall be deemed to be controllable expenditures. Actions taken in response to an order issued under this subsection shall include, but not be limited to, the following:

(i) With respect to loans granted after such an order has been issued, the reduction of the special allowance factor paid to a lender by not more than 0.40 percentage points in the first year of the loan only, but in no case would the statutory special allowance component be reduced below 3.00 percent, except that during the remaining life of the loan, the special allowance factor paid to the lender shall be that provided by the Higher Education Act of 1965, as amended.

(ii) With respect to loans granted after such an order has been issued, the increase of a student's origination fee by an amount not in excess of 0.50 percentage points.

(2) ISSUANCE OF ORDER.—

(A) POSITIVE REAL ECONOMIC GROWTH.—If the estimate of real economic growth set forth in a report transmitted by the Comptroller General under subsection (a) of this section is zero or greater, the President shall issue the order required to be issued under this subsection pursuant to such report not later than 14 days after transmittal of such report.

(B) NEGATIVE REAL ECONOMIC GROWTH.—If the estimate of real economic growth set forth in a report transmitted by the Comptroller General under subsection (a) of this section is less than zero with respect to such fiscal year or with respect to each of any two consecutive quarters of such fiscal year, the President shall issue the order required to be issued under this subsection pursuant to such report not later than 30 days after transmittal of such report.

(C) SPECIAL RULE.—If any adjustment made pursuant to paragraph (1)(F) eliminates the entire deficit excess, the order issued pursuant to this subsection shall so state, and no reductions shall be made pursuant to clauses (i) and (ii) of subparagraph (A).

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except to the extent that it is superseded by a reconciliation bill enacted under subsection (c) of this section, an order issued pursuant to this subsection shall become effective 30 days after its issuance. Any modification or suspension by such order of the operation of a provision of law that would (but for such order) require an automatic spending increase to take effect during a fiscal year shall apply for the one-year period beginning with the date on which such automatic increase would have taken effect during such fiscal year (but for such order).

(B) WITHHOLDING OF BUDGET AUTHORITY FOR 30-DAY PERIOD.—During the 30-day period referred to in subparagraph (A), the President shall withhold from obligation the amounts that would have been suspended or sequestered under such order with respect to such 30-day period if the order issued pursuant to this paragraph had become effective on the date of its issuance. If a reconciliation bill enacted under subsection (c) of this section becomes law on or before the last day of such 30-day period, amounts withheld from obligation pursuant to the preceding sentence shall be made available for obligation to the extent permitted by such reconciliation bill. If such a reconciliation bill does not become law during such period, the budget authority withheld from obligation under the first sentence of this subparagraph shall be permanently cancelled as described in paragraph (1)(D) of this subsection.

(4) PROPOSAL OF ALTERNATIVES.—A message transmitted pursuant to this subsection

with respect to a fiscal year may be accompanied by a proposal setting forth in full detail alternative ways to reduce the deficit for such fiscal year to an amount not greater than the maximum deficit amount for such fiscal year. Upon receipt in the Senate and the House of Representatives, the message and any accompanying proposal shall be referred to all committees with jurisdiction over programs, projects, or activities affected by it.

(c) CONGRESSIONAL ACTION.—

(1) REPORTING OF CONCURRENT RESOLUTIONS AND RECONCILIATION BILLS AND RESOLUTIONS.—

(A) IN GENERAL.—Not later than 10 days after issuance of an order by the President under subsection (b) with respect to a fiscal year, the Committee on the Budget of the House of Representatives and the Senate may report to its House a concurrent resolution. The concurrent resolution may affirm the impact of the order issued under subsection (b), in whole or in part. To the extent that any part of the order is not affirmed, the concurrent resolution shall state which parts are not affirmed and shall contain instructions to committees of the House and the Senate of the type referred to in section 310(a) of the Congressional Budget Act of 1974, sufficient to achieve at least the total level of deficit reduction contained in those sections which are not affirmed.

(B) RESPONSE OF COMMITTEES.—Committees instructed pursuant to subparagraph (A) of this paragraph, or affected thereby, shall submit their responses to their respective Budget Committees no later than 10 days after the conference report on the concurrent resolution referred to in subparagraph (A) is agreed to in both Houses, except that if in either House only one such Committee is so instructed such Committee shall, by the same date, report to its House a reconciliation bill or reconciliation resolution containing its recommendations in response to such instructions. A committee shall be considered to have complied with all instructions to it pursuant to a concurrent resolution adopted under subparagraph (A) if it has made recommendations with respect to matters within its jurisdiction which would result in a reduction in the deficit at least equal to the total reduction directed by such instructions.

(C) BUDGET COMMITTEE ACTION.—Upon receipt of the recommendations received in response to a concurrent resolution referred to in subparagraph (A) of this paragraph, the Budget Committee of each House shall report to its respective House a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revisions. In the event that a committee instructed in a concurrent resolution referred to in subparagraph (A) fails to submit any recommendation (or, when only one committee is instructed, fails to report a reconciliation bill or resolution) in response to such instructions, the Budget Committee of the relevant House shall include in the reconciliation bill or reconciliation resolution reported pursuant to this subparagraph legislative language within the jurisdiction of the noncomplying committee to achieve the amount of deficit reduction directed in such instructions.

(D) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill or resolution reported under subparagraph (C) with respect to a fiscal year, any amendment thereto, or any conference report thereon if—

(i) the enactment of such bill or resolution as reported;

(ii) the adoption and enactment of such amendment; or

(iii) the enactment of such bill or resolution in the form recommended in such conference report;

would cause the amount of the deficit for such fiscal year to exceed the maximum deficit amount for such fiscal year, unless the report submitted under subsection (a)(1) projects negative real economic growth for such fiscal year, or for each of any two consecutive quarters during such fiscal year; nor shall it be in order in the House of Representatives to consider a conference report on any such bill or resolution if its enactment would cause the maximum deficit amount for that fiscal year to be exceeded, unless the report submitted under subsection (a)(1) projects negative real economic growth for such fiscal year, or for each of any two consecutive quarters, and in such case consideration may only be by the affirmative vote of three-fifths of those present and voting if the conference report alters or suspends the maximum deficit amount for that fiscal year.

(E) TREATMENT OF CERTAIN AMENDMENTS.—In the Senate, an amendment which adds to a concurrent resolution reported under subparagraph (A) an instruction of the type referred to in such subparagraph shall be in order during the consideration of such resolution if such amendment would be in order but for the fact that it would be held to be non-germane on the basis that the instruction constitutes new matter.

(F) DEFINITION.—For purposes of subparagraphs (A) and (B), the term "day" shall mean any calendar day on which either House of the Congress is in session.

(2) PROCEDURES.—

(A) THE SENATE.—Except as provided in subparagraph (B), in the Senate the provisions of sections 305 and 310 of the Congressional Budget Act of 1974 for the consideration of concurrent resolutions on the budget and conference reports thereon shall also apply to consideration of concurrent resolutions, and reconciliation bills and reconciliation resolutions reported under this subsection and conference reports thereon.

(B) LIMIT ON DEBATE.—Debate in the Senate on any concurrent resolution reported pursuant to subparagraph (A) of paragraph (1), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to 10 hours.

(C) IN THE HOUSE OF REPRESENTATIVES.—In the House of Representatives, any concurrent resolution reported under this paragraph shall be privileged for consideration on or after the third day on which the report has been available to Members. Any concurrent resolution, or reconciliation bill or resolution under this paragraph, and any conference reports thereon, shall otherwise be considered in accordance with the applicable rules of the House.

(D) LIMITATION ON AMENDMENTS.—Section 310(c) of such Act (as added by section 202(d)(2) of this title) shall apply to reconciliation bills and reconciliation resolutions reported under this subsection.

(E) COMPLIANCE WITH INSTRUCTIONS.—Section 310 of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following new subsection:

"(g) COMPLIANCE WITH RECONCILIATION DIRECTIONS.—Any committee of a House of the Congress that is directed, pursuant to a concurrent resolution on the budget to recommend changes of the type described in paragraphs (1) and (2) of subsection (a) with respect to laws within its jurisdiction, shall be deemed to have complied with such directions—

"(1) if—

"(A) the amount of the changes of the type described in paragraph (1) of such subsection recommended by such committee, and

"(B) the amount of the changes of the type described in paragraph (2) of such subsection recommended by such committee,

do not exceed or fall below the amount of the changes such committee was directed by such concurrent resolution to recommend under such paragraph by more than 20 percent of the total of the amounts of the changes such committee was directed to make under both such paragraphs; and

"(2) if the total amount of the changes recommended by such committee is not less than the total of the amounts of the changes such committee was directed to make under both such paragraphs.".

(3) SPECIAL PROCEDURES IN THE EVENT OF A RECESSION.—

(A) IN GENERAL.—If—

(i) the estimate of real economic growth set forth in a report transmitted by the Comptroller General under subsection (a) of this section for a fiscal year is less than zero with respect to such fiscal year or with respect to each of any two consecutive quarters of such fiscal year; or

(ii) the Department of Commerce preliminary reports of actual real economic growth (or any subsequent revision thereof) for each of any two consecutive quarters of such fiscal year or of the last two quarters of the immediately preceding fiscal year indicate that the rate of real economic growth for such quarters is less than 1 percent;

the Committees on the Budget of the House of Representatives and the Senate may report to their respective Houses a joint resolution that declares that the economy is in a recession and that suspends or revises (in whole or in part) the provisions of this title or of the amendments made by this title.

(B) CONSIDERATION OF JOINT RESOLUTIONS.—

(i) A vote on final passage of a joint resolution reported to a House of the Congress pursuant to subparagraph (A) shall be taken on or before the close of the 10th calendar day of session of such House after the date on which the joint resolution is reported to such House. If the the joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a joint resolution agreed to in the Senate) shall cause the joint resolution to be engrossed, certified, and transmitted to the other House of the Congress on the same calendar day on which the joint resolution is agreed to by such House.

(ii)(I) A motion in the House of Representatives to proceed to the consideration of a joint resolution under this paragraph shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(II) Debate in the House of Representatives on a joint resolution under this paragraph shall be limited to not more than 5 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to postpone, made in the House of Representatives with respect to the consideration of a joint resolution under this paragraph, and a motion to proceed to the consideration of other business, shall not be in order. A motion fur-

ther to limit debate shall not be debatable. It shall not be in order to move to table or to recommit a joint resolution under this paragraph or to move to reconsider the vote by which the joint resolution is agreed to or disagreed to.

(III) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a joint resolution under this paragraph shall be decided without debate.

(IV) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a joint resolution under this subparagraph shall be governed by the Rules of the House of Representatives applicable to other bills and joint resolutions in similar circumstances.

(iii)(I) A motion in the Senate to proceed to the consideration of a joint resolution under this paragraph shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(II) Debate in the Senate on a joint resolution under this paragraph, and all debatable motions and appeals in connection therewith, shall be limited to not more than 5 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(III) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution under this paragraph shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(IV) A motion in the Senate to further limit debate on a joint resolution under this paragraph is not debatable. A motion to table or to recommit a joint resolution under this paragraph is not in order.

(iv) No amendment to a joint resolution considered under this paragraph shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this clause shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this clause by unanimous consent.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "automatic spending increase" means increases in budget outlays due to changes in indexes in the following Federal programs:

Rail industry pension fund (60-8011-0-7-601);

Supplemental security income program (75-0406-0-1-609);

Veterans pensions (36-0154-0-1-701);

Veterans compensation (36-0153-0-1-701);

Civil service retirement and disability fund (24-8135-0-7-602);

Military retirement fund (97-8097-0-7-602);

Foreign Service retirement and disability fund (19-8186-0-7-602);

Retirement pay and medical benefits for commissioned offices, Public Health Service (75-0379-0-1-551);

Retired pay, Coast Guard (69-0241-0-1-403);

Judicial Survivors' annuities fund (10-8110-0-7-602);

Tax Court judges survivors annuity fund (23-8115-0-7-602);

Allowances and office staff for former Presidents (47-0105-0-1-802);

Central Intelligence Agency retirement and disability system fund;

Federal Reserve Board employees retirement system;

Comptrollers general retirement system;

Tennessee Valley Authority retirement system;

Special benefits, Federal Employees' Compensation Act (16-1521-0-1-600);

Food Stamp program (12-3505-0-1-605);

Child nutrition programs (12-3539-0-1-605);

National Wool Act (12-4336-0-3-351);

Black lung disability trust fund (20-8144-0-7-601);

Special benefits for disabled coal miners (75-0409-0-1-601); and

Medicare payments for clinical diagnostic laboratory tests to which section 1833(h) of the Social Security Act applies.

For purposes of the preceding sentence, program outlays are the outlays authorized by law as described by the designated account numbers set forth in the Budget of the United States Government, 1986—Appendix. Such term shall not include increases in Government expenditures due to increases in the number of program participants, nor shall it include any increase in benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

(2) The term "budget outlays" has the meaning given to such term in section 3(1) of the Congressional Budget and Impoundment Control Act of 1974.

(3) The term "concurrent resolution on the budget" has the meaning given to such term in section 3(4) of the Congressional Budget and Impoundment Control Act of 1974.

(4) The term "deficit" has the meaning given to such term in section 3(6) of the Congressional Budget and Impoundment Control Act of 1974.

(5) The term "maximum deficit amount" has the meaning given to such term in section 3(7) of the Congressional Budget and Impoundment Control Act of 1974.

(6) The term "real economic growth" means, with respect to a fiscal year, the nominal growth in the production of goods and services during such fiscal year, adjusted for inflation.

(7)(A) The term "controllable expenditures" means total budget outlays except outlays for programs specified in paragraph (1) and except outlays for the following programs:

Payment where credit exceeds liability for tax (20-0906-0-1-609);

Federal Old-Age and Survivors Insurance Trust Fund, except administrative expenses (20-8006-0-7-571);

Federal disability insurance trust fund, except administrative expenses (20-8007-0-7-571);

Claims, Defense (97-0102-0-1-051);

Claims, Judgments, and relief acts (20-1895-0-1-806);

Eastern Indian land claims settlement fund (14-2202-0-1-806);

Soldiers and Airmen's Home, Payment of claims (84-8930-0-7-705);

Payment of Vietnam and USS Pueblo prisoner of war claims (15-0104-0-1-153);

Salaries of judges (10-0200-0-1-752);

Compensation of the President (11-0001-0-1-802);

Payment to the foreign service retirement and disability fund (11-1036-0-1-153);

Payments to health care trust funds (75-0590-0-1-572);

Federal payment to the railroad retirement account (60-0113-0-1-601);

Payments to Social Security trust funds (75-0404-0-01-571);

Payments to civil service retirement fund (24-0200-1-1-805);

Payments to military retirement fund (97-0040-0-1-054);

Payments to State and local government fiscal assistance trust fund (20-2111-0-1-851);

Foreign military sales trust fund (11-8242-0-7-155);

Bureau of Indian Affairs, Miscellaneous trust funds, tribal trust funds (14-9973-0-7-999);

Exchange stabilization fund (20-4444-0-3-155);

Coinage profit fund (20-5811-0-2-803);

Payments to copyright owners (03-5175-0-2-376);

Railroad Social Security equivalent benefits account (60-8010-0-7-601);

Tennessee Valley Authority power program borrowing authority (including expenditures of proceeds from bonds issued or sold by the Tennessee Valley Authority pursuant to an Act of Congress which expressly prohibits any guarantee of such bonds by the United States);

Expenditures from the Bonneville Power Administration fund and borrowing authority established pursuant to section 13 of Public Law 93-454 (1974) as amended;

Tennessee Valley Authority—Seven States Energy Corporation; and

Postal Service fund (18-4020-8-3-372).

For purposes of the preceding sentence, program outlays are the outlays authorized by law as described by the designated account numbers set forth in the Budget of the United States Government, 1986—Appendix:

(B) Further, such term shall not include outlays in the following accounts that result from prior legal obligations to the Government:

Veterans Administration loan guaranty revolving fund (36-4025-0-3-704);

Agricultural credit insurance fund (12-4140-0-3-351);

Agency for International Development, housing and other credit guaranty programs (72-4340-0-3-151);

Overseas Private Investment Corporation (71-4030-0-3-151);

Rural development insurance fund (12-4155-0-3-452);

Economic development revolving fund (13-4406-0-3-452);

International Trade Administration operations and administration (13-1250-0-1-376);

Government National Mortgage Association, guarantees of Mortgage-backed securities (86-4238-0-3-371);

Federal Housing Administration fund (86-4070-0-3-371);

Credit union share insurance fund (25-4468-0-3-371);

Federal Savings and Loan Insurance Corporation fund (82-4037-0-3-371);

Pension Benefit Guaranty Corporation fund (16-4204-0-3-601);

Maritime Administration, war risk insurance revolving fund (69-4302-0-3-403);

Federal Crop Insurance Corporation fund (12-4085-0-3-351);

Aviation insurance revolving fund (69-4120-0-3-402);

Export-Import Bank of the United States, limitation of program activity (83-4027-0-3-155);

Small Business Administration lease guarantees revolving fund (73-4157-0-3-376);

Small Business Administration surety bond guarantees revolving fund (73-4156-0-3-376);

Federal Emergency Management Agency, National insurance development fund (58-4235-0-3-451);

Federal Emergency Management Agency, National flood insurance fund (58-4236-0-3-453);

Nuclear Regulatory Commission salaries and expenses (31-0200-0-1-276);

Check forgery insurance fund (20-4109-0-3-803);

Railroad Rehabilitation and improvement financing fund (69-4411-0-3-401);

Energy security reserve (20-0112-0-1-271);

Small Business Administration, business loan and investment fund (73-4154-0-3-376);

Small Business Administration, pollution control equipment contract guarantee revolving fund (73-4147-0-3-376);

Low-rent public housing—loans and other expenses (86-4098-0-3-604);

Federal ship financing fund (69-4301-0-3-403);

Federal ship financing fund, fishing vessels (13-4417-0-3-376);

Rural housing insurance fund (12-4141-0-3-371);

Indian loan guaranty and insurance fund (14-4410-0-3-452);

Rail service assistance (69-0122-0-1-401);

Office of Personnel Management, employees life insurance fund (24-8424-0-8-602);

Federal Deposit Insurance Corporation (51-8419-0-8-371);

Veterans Administration, servicemen's group life insurance fund (36-4009-0-3-701);

Veterans Administration, United States Government life insurance fund (36-8150-0-7-701);

Veterans Administration, National service life insurance fund (36-8132-0-7-701);

Service-disabled veterans insurance fund (36-4012-0-3-701);

Veterans special life insurance fund (36-8455-0-8-701);

Veterans reopened insurance fund (36-4010-0-3-701); and

Veterans insurance and indemnities (36-0120-0-1-701).

For purposes of the preceding sentence, program outlays are the outlays authorized by law as described by the designated account numbers set forth in the Budget of the United States Government, 1986—Appendix.

(C) Further, such term shall not include regular State unemployment benefits, the State-funded share of extended unemployment benefits, and loans to States from the Federal unemployment account.

(D) Further, such term shall not include non-federal funds appropriated for the District of Columbia.

(E) Further, such term shall not include outlays for net interest (all of budget function 900).

(F) Further, such term shall not include outlays which result from private donations, bequests, or voluntary contributions to the Government.

(G) Further, such term shall not include outlays from intragovernmental funds to the extent that such outlays are derived from other Federal Government accounts.

(H) Further, such term shall not include offsetting receipts.

(I) Further, such term shall not include outlays due to increases in the number of program participants.

(J) Further, such term shall not include outlays for prior-year obligations, except that such term shall include obligations for existing contracts except—

(i) those multiyear contracts which include a specified penalty for cancellation or modification of the contract by the Government and which, if cancelled or modified by the Government would result, due to such penalty for cancellation or modification, in a net loss to the Government in the first year; and

(ii) those contracts the reduction of which would violate legal obligations of the Government.

For purposes of subsection (b), the term "existing contracts" shall include all Federal military and civilian contracts existing at the time a sequester order is issued. Notwithstanding any other provision of law, any contract entered into or modified by the Federal Government after the date of the enactment of this joint resolution shall contain a provision that the contract may be modified, renegotiated, or terminated to the extent necessary to implement a sequester order issued under clause (ii) of subsection (b)(1)(A), and a provision that any penalties that would otherwise be payable by the Federal Government under the contract by reason of modification, renegotiation, or termination of the contract shall not be payable if the modification, renegotiation, or termination is made pursuant to a sequester order issued under clause (ii) of subsection (b)(1)(A).

(K) Receipts credited to an account shall not be deducted from outlays for the purpose of determining the amount to be sequestered pursuant to subsection (b)(1)(A)(ii).

(8) The term "sequester" means the permanent cancellation of budget authority, obligation limitations, other budgetary resources, or direct and guaranteed loan limitations, to the extent necessary to reduce each controllable expenditure by a uniform percentage.

(9) The term "other budgetary resources" means unobligated balances, obligated balances for existing contracts (as provided in paragraph (7) of this subsection), reimbursements, receipts credited to an account, and recoveries of prior-year obligations.

(10) The amount by which the deficit for a fiscal year exceeds the maximum deficit amount for such fiscal year shall be treated as "statistically significant" if the amount of such excess is greater than 5 percent of such maximum deficit amount.

(11) The term "base levels of total revenues and total budget outlays" means, with respect to the report submitted by the Directors or by the Comptroller General under subsection (a) and the order (if any) issued under subsection (b) for a fiscal year, the estimated levels of total revenues and total budget outlays for such fiscal year under laws and regulations that—

(A) are enacted or promulgated prior to the date on which such report is submitted or such order is issued, and

(B)(i) are in effect on such date, or

(ii) will become effective during such fiscal year.

Estimates of such levels shall be made on the date such report is submitted or such order is issued (or on a preceding date that is as close as possible to the date of such report or order). In cases where a regular or continuing appropriation for a full fiscal year has not been enacted by such date, the base level shall be derived from the level of funds appropriated, or otherwise made available, for the previous fiscal year for the applicable budget accounts. Except as provided in the succeeding sentence, in calculating the base level, any provision of law that will expire after the base levels of such report or order are established and prior to the end of such fiscal year shall be assumed to expire in accordance with the terms of such provision. Any provision of law imposing an excise tax the revenues from which are dedicated to a trust fund and any provision administered by the Secretary of Agriculture with respect to the Commodity Credit Corporation shall be assumed to be extended for such fiscal year.

SEC. 205. BUDGETARY TREATMENT OF SOCIAL SECURITY TRUST FUNDS.

(a) FISCAL YEARS 1986 THROUGH 1992.—

(1) IN GENERAL.—Section 710 of the Social Security Act (as added by paragraph (1) of subsection (a) of section 346 of the Social Security Amendments of 1983) is amended—

(A) by striking out all beginning with "the" the first place it appears down through "Disability Insurance Trust Fund, the" and inserting in lieu thereof "the";

(B) by striking out "Fund, and" and inserting in lieu thereof "Fund and";

(C) by striking out "sections 1401, 3101, and 3111" and inserting in lieu thereof "1401(b), 3101(b), and 3111(b)";

(D) by redesignating all after the section designation as subsection (b);

(E) by inserting after the section designation the following:

"(a) The receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund, and the taxes imposed under sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954, shall not be included in the totals of the budget of the United States Government as submitted by the President or of the congressional budget and shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government."; and

(F) by adding at the end thereof the following new subsection:

"(c) No provision of law enacted after the date of the enactment of the Balanced Budget and Emergency Deficit Control Act of 1985 (other than a provision of an appropriation Act that appropriates funds authorized under the Social Security Act as in effect on the date of enactment of the Balanced Budget and Emergency Deficit Control Act of 1985) may provide for payments from the general fund of the Treasury to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or for payments from any such Trust Fund to the general fund of the Treasury.".

(2) APPLICATION.—The amendments made by paragraph (1) shall apply with respect to fiscal years beginning after September 30, 1985, and ending before October 1, 1992.

(b) FISCAL YEAR 1993 AND THEREAFTER.—Section 710(a) of the Social Security Act (42 U.S.C. 911 note), as amended by section 346(b) of the Social Security Amendments of 1983 (to be effective with respect to fiscal years beginning after September 30, 1992) is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) adding at the end thereof the following new paragraph:

"(2) No provision of law enacted after the date of the enactment of the Balanced Budget and Emergency Deficit Control Act of 1985 (other than a provision of an appro-

priation Act that appropriates funds authorized under the Social Security Act as in effect on the date of enactment of the Balanced Budget and Emergency Deficit Control Act of 1985) may provide for payments from the general fund of the Treasury to any Trust Fund specified in paragraph (1) or for payments from any such Trust Fund to the general fund of the Treasury.".

SEC. 206. BUDGET ACT WAIVERS.

Section 904 of the Congressional Budget Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsection:

"(b)(1) Except as provided in paragraph (2), any provision of title III or IV may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by the unanimous consent of the Senate.

"(2) Sections 301(c), 304(b), 305(b)(2), 306, 310(c), and 311 of this Act, and section 202(e)(1)(B), 204(c)(1)(D), and 209 of the Balanced Budget and Emergency Deficit Control Act of 1985 may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members duly chosen and sworn.".

SEC. 207. OTHER WAIVERS AND SUSPENSIONS.

The provisions of this title may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members of that House duly chosen and sworn.

SEC. 208. SUPPLEMENTAL BUDGET ESTIMATES.

Section 1106 of title 31, United States Code, is amended by striking out "July 16" each place it appears and inserting in lieu thereof "September 2".

SEC. 209. POINT OF ORDER.

Notwithstanding any other provision of law, it shall not be in order in the Senate or House of Representatives to consider any reconciliation bill or reconciliation resolution reported pursuant to a concurrent resolution on the budget agreed to under section 301 or 304 of the Congressional Budget Act of 1974, or any amendment thereto, or conference report thereon that contains recommendations with respect to the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, with respect to revenues attributable to the taxes imposed under sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954, or with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

SEC. 210. APPLICATION.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), this title and the amendments made by this title shall become effective on the date of the enactment of this title and shall apply with respect to fiscal years beginning after September 30, 1985, and before October 1, 1991.

(b) EXCEPTION.—The amendments made by sections 202(a), 202(b)(1), 202(c)(1), 202(e)(1)(A), and 203 of this title shall apply with respect to fiscal years beginning after September 30, 1986, and before October 1, 1991.

(c) OASDI TRUST FUNDS.—The amendments made by section 205 shall apply as provided in such section.

SEC. 211. EXERCISE OF RULEMAKING POWER.

The provisions of this title, other than those relating to the activities of the executive branch, are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 212. SENSE OF THE SENATE.

It is the sense of the Senate that any funding reductions or sequestering of controllable expenditures implemented by the various Federal agencies as a result of this title shall be made uniformly and shall not disproportionately be made in the funding of programs targeted for rural and lesser populated areas.

SEC. 213. REPORT REQUIRED.

The Directors of the Office of Management and Budget and the Congressional Budget Office, and the Secretary of the Treasury, shall jointly report to the President and to the Committee on Finance and the Committee on Ways and Means on the projected level of revenues which would be raised by increased and improved tax enforcement and collection through audits, examinations, and other methods designed to eliminate tax cheating and increase revenue collections from individuals and corporations evading Federal taxation. The report shall include an analysis of measures which can be implemented to increase voluntary compliance with tax laws, including increased staff for taxpayer assistance, speedier processing of returns, improved information processing and collection, and public education designed to increase public trust and understanding of the Internal Revenue Service enforcement efforts. The report shall also include an estimate of the level of increased expenditures for Internal Revenue Service enforcement and compliance efforts at which additional expenditures would not yield additional revenues of at least $2 of revenue for every $1 in expenditures. The report shall be issued on an annual basis no later than the date on which the President submits a proposed budget for each fiscal year to the Congress.

SEC. 214. TREATMENT OF CERTAIN COST-OF-LIVING ADJUSTMENTS.

During the time in which a sequester order is in effect, any cost-of-living adjustment for Social Security shall not count as income for purposes of determining Supplemental Security Income payments or payments from any other programs which are offset as a consequence of cost-of-living adjustments for Social Security.

SEC. 215. CONFORMING AMENDMENT TO PRESIDENT'S BUDGET.

Section 1105(c) of title 31, United States Code, is amended—

(1) by striking out "The" the first place it appears and inserting in lieu thereof "(1) Notwithstanding any other provision of law, the";

(2) by inserting "(other than action that would require an increase in borrowing authority or an increase in the limit imposed by section 3101(b) of this title by more than the applicable amount for the fiscal year for which the budget is submitted)" after "action" the first place it appears; and

(3) by adding at the end thereof the following new paragraph:

"(2) For purposes of this subsection, the term 'applicable amount' means—

"(A) with respect to the fiscal year beginning October 1, 1986, $144,000,000,000;

"(B) with respect to the fiscal year beginning October 1, 1987, $108,000,000,000;

"(C) with respect to the fiscal year beginning October 1, 1988, $72,000,000,000;

"(D) with respect to the fiscal year beginning October 1, 1989, $36,000,000,000; and

"(E) with respect to the fiscal year beginning October 1, 1990, and each fiscal year thereafter, zero.".

SEC. 216. EXPEDITED REVIEW OF CONSTITUTIONALITY OF THIS TITLE.

(a) QUESTIONS OF CONSTITUTIONALITY.—Any Member of Congress may bring an action for declaratory judgment or injunctive relief concerning the constitutionality of this title or intervene in such action in the United States Court of Appeals for the District of Columbia, which shall hear the matter sitting en banc.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any decision on a matter brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought no later than 20 days after the decision of the Court of Appeals.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the Court of Appeals and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(d) SEVERABILITY.—If any provision of this title is held invalid, the remainder of such provisions shall not be affected.

(e) NONCOMPLIANCE WITH SEQUESTRATION PROCEDURES.—

(1) IN GENERAL.—If the President does not sequester any amount of budget authority, obligation limitation, other budgetary resource or loan limitation for a fiscal year which is required to be sequestered by section 204(b)(1)(A)(ii), on the claim that the constitutional powers of the President prevent such sequestration or permit the avoidance of such sequestration, and such claim is finally determined by the Supreme Court of the United States to be valid, then the entire order issued pursuant to section 204(b)(1) for such fiscal year shall be null and void.

(2) MEMBERS OF CONGRESS.—Any Member of Congress may bring an action in the United States Court of Appeals for the District of Columbia challenging the nonapplication of sequestration, or intervene in such action. The United States Court of Appeals for the District of Columbia shall hear any such action en banc.

(3) PROCEDURES.—The provisions of subsections (b) and (c) of this subsection shall apply to this subsection.

(f) ALTERNATIVE PROCEDURES FOR THE JOINT REPORT OF THE DIRECTORS.—

(1) In the event that the reporting procedures described in section 204(a)(1) are invalidated in an action brought under this section, then the report of the Directors referred to in section 204(a)(1) shall be transmitted to the joint committee established under this subsection.

(2) There is hereby established a Temporary Joint Committee on Deficit Reduction, composed of the entire membership of the House and Senate Budget Committees. The Chairman of these two committees shall act as Co-Chairmen of the Joint Committee. Actions taken by the joint committee shall be determined by the majority vote of the members representing each House. The purposes of the Joint Committee are to receive the report of the Directors as described above,

and to report a joint resolution as described in paragraph (3) below.

(3) No later than 5 days after the receipt of the report of the Directors in accordance with paragraph (1), the Joint Committee shall report to the House of Representatives a joint resolution setting forth the contents of the report of the Directors.

(4) The provisions for the consideration of a joint resolution under section 204(c)(3)(B)(ii), (iii), and (iv) shall apply to the consideration of a joint resolution reported pursuant to this subsection in the House of Representatives and the Senate, except that debate in each House shall be limited to 2 hours.

(5) Upon its enactment, the joint resolution shall be deemed to be the report received by the President under section 204(b)(1)(A).

SEC. 217. PERMANENT TECHNICAL CORRECTIONS.

(a) Section 301(f)(1) of the Congressional Budget Act of 1974 (as redesignated by section 3(b)(2)(A)(i) of this joint resolution) is amended by striking out "set for" in paragraph (1) and inserting in lieu thereof "set forth".

(b) The heading of section 304 of such Act is amended by striking out "OF" the second place it appears and inserting in lieu thereof "ON".

(c) Section 305(a) of such Act, as amended by this title, is amended by redesignating paragraphs (6), (7), (8) and (9) as paragraphs (5), (6), (7) and (8), respectively.

(d) Section 305(b) of such Act, as amended by this title, is amended by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(e) The amendments made by this section shall become effective on the date of the enactment of this title.

SEC. 218. CONGRESSIONAL BUDGET OFFICE REPORTS.

(a) Subsection (f) of section 202 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new paragraph:

"(3) On or before January 15 of each year, the Director shall submit to the Congress a report listing—

"(A) all programs and activities for which funds have been appropriated or otherwise made available in appropriations Acts for the fiscal year ending on September 30 of that calendar year for which authorizations for appropriations have not been enacted for that fiscal year, and

"(B) all programs and activities for which funds have been appropriated or otherwise made available in appropriations Acts for the fiscal year ending on September 30 of that calendar year, but for which no authorizations for appropriations have been enacted for the fiscal year beginning on October 1 of that calendar year.".

(b) The amendment made by subsection (a) shall become effective on the date of enactment of this title.

SEC. 219. REVENUE ESTIMATES.

Notwithstanding any other provision of this title, all revenue estimates necessary to carry out the purposes of this title after the present law base estimates made by the Congressional Budget Office at the beginning of each legislative session shall be made by the Joint Committee on Taxation and transmitted to the Congressional Budget Office for its use in carrying out the requirements of this title and the Congressional Budget Act of 1974. All revenue estimates for legislation enacted each legislative session shall be made by the Joint Committee on Taxation and shall be used exclusively by the Congressional Budget Office for all purposes related to this title. The Congressional Budget Office shall consult with the Joint Committee on Taxation as to the use of these revenue estimates in carrying out this title, and shall further, upon revision by the Congressional Budget Office of economic assumptions upon which the Congressional Budget Office estimates are based under this title and any other Act, convey those revised assumptions to the Joint Committee on Taxation, for the use of the Joint Committee on Taxation in reestimating revenue effects of enacted and considered legislation which shall be provided to the Congressional Budget Office to be used as the revenue estimates necessary for carrying out the purposes of this title and the Congressional Budget Act of 1974.

SEC. 220. GENERAL ACCOUNTING OFFICE STUDY.

Title IV of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new sections:

"STUDY BY THE GENERAL ACCOUNTING OFFICE OF FORMS OF FEDERAL FINANCIAL COMMITMENT THAT ARE NOT REVIEWED ANNUALLY BY CONGRESS

"SEC. 405. The General Accounting Office shall study those provisions of law which provide spending authority as described by section 401(c)(2) and which provide permanent appropriations, and report to the Congress its recommendations for the appropriate form of financing for activities or programs financed by such provisions not later than eighteen months after the effective date of this section. Such report shall be revised from time to time.".

SEC. 221. EARLY ELECTION OF COMMITTEES OF THE HOUSE.

Clause 6(a)(1) of Rule X of the Rules of the House of Representatives is amended by striking out "at" and by inserting in lieu thereof "within the seventh calendar day beginning after", and by inserting at the end thereof the following new sentence: "It shall always be in order to consider resolutions recommended by the respective party caucuses to change the composition of standing committees".

SEC. 222. INTEREST REPAYMENTS TO SOCIAL SECURITY TRUST FUNDS AND OTHER RETIREMENT FUNDS.

(a) The Secretary of the Treasury shall pay, from amounts in the general fund of the Treasury not otherwise appropriated, into each of the Social Security Trust Funds and other retirement funds listed in subsection (b), net amounts equal to any amount of interest which would have accrued to such Trust Fund or retirement fund but for actions which were taken by the United States with respect to investments of such Trust Fund or retirement fund which would not otherwise have been taken (as determined by the Secretary of the Treasury) if the increase in the statutory debt ceiling had been enacted into law on September 30, 1985, as provided in H.J. Res. 372 (99th Congress, 1st Session) as it was passed by the House of Representatives and reported by the Senate Committee on Finance.

(b) For purposes of subsection (a), the term "Social Security Trust Funds and other retirement funds" means the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, the Federal Supplementary Medical Insurance Trust Fund, the Railroad Retirement Account, the Civil Service Retirement and Disability Fund, and the Department of Defense Military Retirement Fund.

SEC. 223. REPORTS ON NATIONAL DEFENSE.

Reports shall be submitted to Congress containing the following information:

(a) The Congressional Budget Office and the Office of Management and Budget shall each estimate the amount of defense and nondefense outlays, budget authority and other budgetary resources to be sequestered at the level of detail specified in the other sections of this title, for the possible cases of a September 25, 1986, sequester order, at the levels of $10,000,000,000, $20,000,000,000 and $30,000,000,000.

(b) The Secretary of Defense shall submit to Congress a report on how the levels of defense spending reductions estimated by the Office of Management and Budget and the Congressional Budget Office pursuant to subsection (a) above would be allocated to each program, project or activity receiving a uniform percentage reduction as specified in the other sections of this title, and shall report on the impacts of such reductions. This report shall be submitted no later than 60 days following enactment of this title.

Mr. MACK (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The gentleman from Florida [Mr. MACK] will be recognized for 30 minutes and the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, earlier this afternoon, the other body once again voted on this issue that we have been debating, the deficit reduction package known as the Gramm-Rudman-Hollings-Mack deficit reduction package. The vote was almost identical to the vote that occurred some 3 weeks ago, I guess now, 74 to 24.

I understand from talking to our colleagues in the other body that the gentleman from Michigan [Mr. LEVIN] added an amendment that was an improvement on the bill and that was accepted.

PARLIAMENTARY INQUIRY

Mr. AUCOIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. AUCOIN. Mr. Speaker, is it not against the rules of the House to refer to actions in the other body, either Members of the other body or votes in the other body?

The SPEAKER. Under normal circumstances, the answer is in the affirmative. But we are referring to a matter that has just been sent over from the other body, so the gentleman may refer to that fact.

Mr. AUCOIN. Mr. Speaker, does that include that announcement of the actual vote in the other body?

The SPEAKER. The Chair will state to the gentleman that that would not be in order.

Mr. LOTT. Mr. Speaker, the vote was a bipartisan vote, again in the other body, and with essentially the same Members voting the same way. It still has overwhelming bipartisan support.

It is time that we begin to move toward resolving this issue. We are not going to have a debt ceiling increase get through the Congress until we work through this deficit reduction question.

We should vote on this issue today. We should support the motion offered by the gentleman from Florida [Mr. MACK] to concur with the Senate position. We have been debating this issue back and forth now for weeks and we know what is in it. We have already enumerated the weaknesses of the House position and they are still there. The question of nonseverability and the constitutional question is still in the House-passed version. That has got to be taken out. We have set ourselves up to guarantee that this whole matter would be unconstitutional, and that is not what we want.

We need a process to move the Congress and the Government through a set of fixed amounts to a zero deficit by fiscal year 1991. That is what we really want, and yet under the House-passed version, with the Obey language, that will not even necessarily occur. We will not have a fixed reduction each year to a balanced budget by fiscal year 1991.

I think the time has come for us to get serious about a workable deficit process here to reduce the deficit and some reasonable maximum deficit amounts.

Our colleague in the Rules Committee today told that House that if we were really serious about this question of $161 billion in deficit, we ought to make it applicable to the continuing resolutions coming before the House; we ought to make it applicable to the water resources bill. The truth of the matter is the House does not intend to go to the $161 billion figure, and so there are Members around here that do not want to start making it apply to the things we are going to be voting on.

We have a chance to resolve this issue right now, today. If we do not vote for this motion to concur, we will eventually wind up, I guess, back in a conference next week, maybe Tuesday or Wednesday. I am sure we would not want to work over the weekend, or on Tuesday if the House is not really going to have votes on Tuesday. And how do we begin to resolve this thing? Are we going to have from the House of Representatives again a group from the House where we are going to have 48 conferees? Come on, let us make it 58. We can all go over, you know. Good, we have one more Member that wants to be included.

If we are going to have a conference, for goodness sake, we should have a small number and we should resolve this issue and get it done quickly so that we can get on with the Government's business.

But the way to resolve it is to go ahead and vote right now on this motion to concur.

Mr. SLATTERY. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from Kansas.

Mr. SLATTERY. I appreciate the gentleman yielding, and I have a lot of respect for the gentleman from Mississippi. I know that he would not come to the body and ask the body to vote on something——

The SPEAKER. The time of the gentleman from Mississippi [Mr. LOTT] has expired.

Mr. SLATTERY. Mr. Speaker, I ask unanimous consent the gentleman have 1 additional minute.

The SPEAKER. The gentleman from Florida [Mr. MACK] has control of the time.

Does the gentleman from Florida yield more time to the gentleman from Mississippi?

Mr. MACK. Mr. Speaker, we have a limited amount of time and the gentleman will have to get time from his own side.

Mr. SLATTERY. Mr. Speaker, would the gentleman yield me 2 minutes?

Mr. GEPHARDT. Mr. Speaker, it is not my time to yield.

Mr. LOTT. Mr. Speaker, at the proper time, when the gentleman gets time, I will be glad to respond.

PARLIAMENTARY INQUIRY

Mr. MACK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MACK. Mr. Speaker, the purpose of my question is to find out whether the gentleman from Missouri [Mr. GEPHARDT] has 30 minutes, as I do, or do I control the hour?

The SPEAKER. The gentleman from Florida [Mr. MACK] has 30 minutes, and the gentleman from Missouri [Mr. GEPHARDT] has 30 minutes.

Mr. MACK. I thank the Speaker.

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would urge that this motion be rejected, and I rise in opposition to it.

On November 1, this House voted overwhelmingly in favor of an amendment to the Gramm-Rudman proposal. This House voted for a fair deficit reduction proposal, one that would maintain our social safety net and assure that the defense budget would bear its fair share of deficit reduction.

We also voted for an honest deficit reduction proposal, one that would start this year rather than after the 1986 elections. In short, what we sent back to the other body last week was a deficit reduction proposal that was real, and that was workable, and that was fair. We replaced the smoke and mirrors of the Gramm-Rudman proposal with a deficit reduction plan that was understandable and that would begin this year.

The Senate amendment that has been sent back to us represents little improvement and little change over the original Gramm-Rudman proposal. The degree to which defense would be cut is still unclear. Medicare, Medicaid, AFDC and other domestic programs are subjected to much deeper cuts than under the House proposal.

The 1986 deficit figure is still designed to get us beyond the 1986 election before any real deficit reduction pain is felt. The Senate amendment continues to be the "Incumbant Protection Act of 1986."

The House vote last week showed that we were willing to develop a serious, workable deficit reduction plan. If we are still willing to do that, we should reject this motion, get the other body back into conference, and make them work for a real deficit reduction.

Let me say to the Members that last week, in a bipartisan way, the House conferees worked toward a solution that we could adopt and that they could adopt. We were not allowed in the ending hours of that conference to have votes on the various proposals that were in dispute between the conferees on both sides. We were literally told that the conference had to break up and that we had to go to both floors of both bodies to see what the Members wanted to do.

The conference did break up. We came here and voted for our proposal and sent it to the other body, and in essense, now the other body has readopted Gramm-Rudman I, and has sent it back. I think the only appropriate action, in light of those actions, is to go back to conference, and this time to see if real negotiations can take place, going through the various points that are still in contention to see if they can be resolved.

□ 1740

Let me assure Members that I think that these points can be, if there is serious negotiation, can be resolved.

The first major difference is that the House amendment guarantees that the Pentagon will bear its fair share of the spending cuts; that is a very important part of our proposal.

Let me give you the numbers: On a percentage basis, with a $10 billion spending cut under the House version, nondefense would bear 52 percent of that cut, the defense would bear 48 percent of that cut; almost an even

split. Under the Senate version, nondefense would bear 58 percent of the cut, defense 42 percent. Clearly an unfair share of the burden on nondefense with a $10 billion spending cut scenario.

If you had a $25 billion spending cut, nondefense would get 53 percent under the Senate version; defense only 47 percent. Under the House version, nondefense would get 46 percent, but defense would get 54 percent.

So clearly in terms of fairness, we believe the House proposal is better, but we are willing to negotiate about those differences.

Second, on immediate deficit reduction, again the House amendment would take effect immediately, calling for serious additional deficit reduction in 1986, a maximum deficit of $161 billion.

The Gramm-Rudman deficit target would not require additional action in 1986, and would allow a maximum deficit of $189 billion, a clear and important difference, one again that we are willing seriously to negotiate about.

Third, the issue of constitutionality. The charge has been made that the House proposal sets up a booby trap that will require this proposal to be found unconstitutional, which will put the whole issue aside.

I feel very strongly that we have a conflict in this proposal. We have two priorities: A lot of our Members, both Republican and Democrat want a wall to be created that takes these decisions out of the hands of the President and the Congress, and I think a lot of Members on our side share the desire to have a wall.

However if you have a wall, you also have the priority of wanting to keep constitutional powers that the Congress has in the Congress, and if you allow OMB and CBO to be the arbiters, you clearly pass some power to the President that we have not now passed.

It seems to me that there is a way to have perhaps an agreement on this issue that is different than what the House proposal originally was, but we need to have that negotiation, and I think it is clearly unacceptable to go back to the Gramm-Rudman procedure, which allows OMB and CBO to make the arbitration. If that part is found unconstitutional it is likely the Court would say that the CBO part is the part that is unconstitutional; we will wind up with OMB being the final arbiter, which passes, clearly, the power to the President.

Last, Medicare and veterans. The Gramm-Rudman proposal continues holding Medicare in category 2, which means it can be cut beyond the COLA into the parts of Medicare that are beyond the COLA; it could reduce by $7 bilion with a $25 billion cut scenario, the cuts in Medicare.

In addition, the Senate refused to exempt the veterans' programs from the sequestering order. So clearly, these are areas that the House felt strongly about. Again, there can be negotiation, but clearly the majority of the Members last week felt that those programs, the Medicare case should be in category 2 and in the veterans case, should be an exempt program altogether.

In short, let me conclude by saying that I appreciate the action the other body has taken today. Clearly, they feel strongly about a lot of these issues. It is unfortunate that we did not have a serious negotiation last week on these issues. That did not take place.

I think the important thing today is to refuse this motion, to refuse to recede to the Senate amendment and then to pass an amendment to ask that we go back to conference so that in the days between now and November 14 when we again begin to have problems with the Government being able to pay its bills, we can see our way clear to writing a deficit reduction proposal that we can get support from in both bodies, and on both sides of the aisle in both bodies.

I think it is a realizable goal, and I think the only way to reach that goal is to get back to conference.

Mr. ROEMER. Will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman.

Mr. ROEMER. I thank the gentleman for both his statement and his yielding. As a Democrat in this body, I am pleased with the effort that we made last week, and I would ask only about one part of the gentleman's statement.

The gentleman alluded on several occasions to the seriousness of our willingness and effort to negotiate. I would like the gentleman to say again to your colleague from Louisiana, the seriousness of our willingness to negotiate.

There are many in our party and in this body who want to accept a cleansed, workable version of Gramm-Rudman, and we will hang on as long as we can and as long as the attitude of our leadership is one of serious negotiation.

Would the gentleman address that point again?

Mr. GEPHARDT. Let me respond to the gentleman in two ways; first to say that there was serious work in a bipartisan manner done on many of the issues in the conference last week; and we reached agreement on many of the contested issues.

There were five or six important contested issues on which there was not serious negotiation. I feel strongly, and I think the Member from Louisiana feels strongly about some of those issues, and on some of them it will be hard for us to make changes or to make modifications; but there are many other parts of those issues on which we are willing to seriously and honestly and reasonably negotiate.

We certainly are willing to see if we cannot arrive at a deficit reduction proposal that we can get a lot of support on, on both sides of the aisle in both bodies. I think that is a realizable goal.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman.

Mr. SMITH of Iowa. Mr. Speaker, I think it is rather strange that we keep talking about a deficit reduction proposal when in fact this proposal sent over here by the Senate would increase the deficit goal for 1986 by $8 billion over and above what we voted for on August 1.

That does not seem like a deficit reduction package to me, and if you want to abide by that bill that we passed here August 1, with an $172 billion deficit goal, we should not be voting today for a bill that would increase it or allow $180 billion.

Mr. GEPHARDT. The gentleman's point is well taken. Obviously, the House position thus far has been to reduce that deficit for 1986 to $161 billion rather than even the $172 that the House budget called for on August 1.

Clearly, your argument is well taken and it is another reason to refuse this motion to recede to the Senate position.

Mr. HUNTER. Will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman.

Mr. HUNTER. I thank the gentleman for yielding, and I thank him for his analysis of Rostenkowski, essentially, versus Mack-Gramm-Rudman. Let me ask the gentleman, because I think it is very important that all Members understand what the difference is, as I understand it, under Rostenkowski there are a number of plans or programs which are exempted including food stamps, AFDC, veterans compensation, community health centers, SSI, child nutrition, veterans pensions, migrant health, and that those plans are essentially "winners" under Rostenkowski; in other words, they are exempted.

However, because of those winners and because we still have to bring the deficit down, there are losers; and as I understand it, and I would like the gentleman to analyze this with me, is it not true that besides defense, the Farmers Home Administration, elementary and secondary education, vocational and adult education, housing programs, energy programs, Bureau of Indian Affairs, FBI, Drug Enforcement Administration, OSHS, Amtrak,

and international security assistance including aid to Israel will be cut 73 percent more than if the pot was bigger; in other words, if we used the Mack-Gramm model where we do not have as many exemptions?

In other words, what I am asking the gentleman is, is not it true that we are going to have to make heavier cuts in these programs that I have listed in order to accommodate the exemptions that were listed under Rostenkowski?

Mr. GEPHARDT. Reclaiming my time, Mr. Speaker, let me make two answers. First, I think the gentleman's percentage is probably off, and the reason I say that is that papers that have been distributed today are trying to indicate that the base that we expose in our plan to cuts is much smaller than the base in the Gramm-Rudman bill.

I think those papers and those statements are incorrect.

Mr. HUNTER. If the gentleman will yield further, could the gentleman give me the correct figure? I understand these figures of 73 percent larger reduction in the programs I listed came from CBO. If the gentleman has another figure, could he give it to the Members?

□ 1750

Mr. GEPHARDT. Well, I think the figures came from CBO, they said, on assumptions given to CBO by Members from the other side of the aisle. Our belief, when you take into account prior year obligations in a way that is fair, between the two plans, is that under the House amendment we have exempted outlays of $551 billion, and under the Senate version of $488 billion. We do not believe there is any great difference between what is exposed to cutting in terms of the base because we feel that we deal with prior year obligations in the same way that the Senate does, or if the Senate does not deal with prior obligations, then we do not either. We think that the computation has not been correctly done. We feel there is a very slight difference in the total of exempt outlays, and we feel that the argument to the contrary is simply not true.

Mr. HUNTER. Could I ask the gentleman to yield further in that case to simplify this, again understanding that these winners or these programs that are exempted under Rostenkowski are not going to be shedding the same deficit reduction that other programs are, what is your figure with regard to the rest of the pie that is going to be taking the brunt of the cuts.

Mr. GEPHARDT. We believe that the exemptions we made in our proposal over Gramm-Rudman only add $11 billion or $12 billion of program that is exempt, that is taken off the table and not subjected to cuts, and not nearly the amount that the gentleman suggests at 73 percent.

Mr. HUNTER. OK, for the gentleman's information, I would simply say the gentleman that I understand CBO calculated it at $50 billion.

Mr. GEPHARDT. I thank the gentleman.

Mr. MACK. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding. It is interesting we now raise questions about CBO's figures when in fact under the proposal we had on the floor the other day, CBO is given virtually carte blanche authority to make all these decisions. I find that rather interesting.

I think the important thing to realize is that now what we have on the House floor is a very doable, detailed procedure which can lead us successfully to a balanced budget instead of just the conceptual outlay we had dealt with in the original bill.

We have now spelled out specifically how various programs should be treated under the sequestration procedures.

The vague definitions that were there previously have been scuttled in favor of listing which programs are to be singled out for exemption or special treatment.

Treatment of prior year defense contracts is clearly defined. New contracts are specifically required to be sequestered.

Programs which are not susceptible to the sequestering for legal or technical reasons have been singled out. We have responded in this particular approach to the legitimate concern over the impact of a recession or an economic downturn, to the difficulty of projecting economic cycle accurately. We have said that if economic conditions allow the growth to go below 1 percent, that at that point, the program would no longer be effective. It recognizes the constitutional problem of leaving OMB and CBO to develop a report which triggers the sequestering process and instead gives the Comptroller General the responsibility for reporting to the President and to the Congress.

The amendment before us also recognizes that the original bill failed to clarify the baseline against which the budget deficit is measured and generally adopts the House procedure for doing that.

So, in other words, what has happened is that we have been presented with a program that has gone through some fine-tuning. We do, in fact, have a program that could be defended, and it seems to me that to break the impasse, to get beyond a lot of the argument about who is hurting whom and how, that we ought to adopt this particular amendment and get on with the process not only of doing the Nation's business now but also get on with the process of beginning to balance the books of the Federal Government.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, and I thank him for his points.

I want to go back to the point that was made by the gentleman from Missouri. I have here—we have a difference of opinion, obviously, over the difference in cuts under Rostenkowski and under Mack-Gramm. I have a letter from Rudolph Penner that lays out the difference, and he has it as a difference under the House amendment and the Senate amendment as being $348.4 billion as opposed to $297.9 billion, which is about a $50 billion difference.

Turning to all those programs besides defense, this is not guns versus butter, this is a lot of butter versus a few programs that involve butter; the Older Americans Program is going to be cut $94 million as opposed to $11 million.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. MACK. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. HUNTER. Mr. Speaker, will the gentleman continue to yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Let me carry on: Under the Older Americans Program, the difference between the Rostenkowski package and the Mack-Gramm package is the difference between $94 million in reduction under Rostenkowski as opposed to $11 million—excuse me, it is $22 million as opposed to $11 million under Mack-Gramm.

So there is a substantial difference. Dislocated Workers, there is a large difference; Job Corps, there is a large difference; Indian Education, Head Start, Compensatory Education, Low-Income Energy Assistance, Subsidized Housing Programs, Social Services Block Grant, a large difference.

So I would ask the gentleman if the gentleman from Missouri has a different figure from this $50 billion figure. I would ask the gentleman from Missouri if he could respond, I have the letter from Mr. Penner that says there is a $50 billion difference in reductions among these loser programs because of the winners that were exempted under Rostenkowski. Could he respond? I ask the gentleman to give him 1 minute to respond. I would ask him to respond on his own time.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I would hope that we would vote to go to conference. I am delighted at the newfound concern by my Republican friends for the poor in this Nation. It is a tragedy today that the millionaires in the Senate joined with the President of the United States to turn their backs on what little semblance of a safety net we had for the poorest of the poor in this country, that they made a decision that they take more away in the health care dollars of senior citizens than any of those senior citizens will ever receive in COLA's in the future, that it is a tragedy they took away food from the children in this country who need it to sustain the very life they are seeking to thrive on in this country.

Just a few hours ago, the Select Committee on Children, Youth, and Families traveled a couple of blocks from the Capitol and talked to mothers and to children and to people who are trying to survive on a day-to-day basis.

One of the overwhelming aspects of the testimony those people, people who went to work every day of their life, but they woke up poor at the end of the year, was that these programs enabled them to feed their children, to try to maintain a roof over their heads, and that these programs were the difference between living in the street and not living in the street. They were busting their rear ends to do the best they could for their families, but along comes the Senate of the United States and the President of the United States to pull the leg out from underneath them, to say we will not support their efforts to try to remain gainfully employed. It is a tragedy, and I hope we will reject it and insist on the House-passed bill.

The SPEAKER. A point of order lies against the gentleman. He should not refer to the Senate as he has.

Mr. MILLER of California. I hope I never have to refer to the Senate again, Mr. Speaker, after the actions they took today.

Mr. MACK. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. I thank the gentleman for yielding.

Mr. Speaker, I am a bit confused, as one freshman Member listening to the gentleman from Missouri and some of the other comments that have been made here.

I came here last week prepared to vote for Gramm-Rudman. We were denied that vote. And in so doing, we heard a lot of comments about disinvesting Social Security. Now I hear comments we are going to delay things further and a willingness on the part of this side of the aisle to delay the proceedings even further on a day-by-day basis, to make us reach deeper and deeper into that Social Security Fund. I find that a little preposterous. Also, I voted—I do not know how the gentleman on this side voted—I voted against adjournment. I was prepared to stay here. I canceled my plans for the weekend.

I was prepared to stay here and resolve this matter so we would not have to reach deeper and deeper into the Social Security Fund.

I think it is time now to put up or shut up.

I thank the gentleman for yielding.

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] has 12 minutes remaining and the gentleman from Florida [Mr. MACK] has 20 minutes remaining.

Mr. MACK. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I am really not going to take the time, I have these in my hand, but I will not quote from them. Perhaps it is time, and really I will accept this from either side, to give us a status, because I think it starts to get a little confusing to some of us who have not been here for a long time.

Now, this started over in the other body, where they have all of these millionaires, and I must say to the gentleman from California one of the biggest regrets of my life is I am not one of them. I have never found that that is a problem. But it started with one of our ex-Members who started on that side of the aisle, moved to our side of the aisle, and that we all envy because of the incredible press he is getting.

Then he added on a Democratic candidate for the Presidency, so it became bipartisan. We had a bill come over here in very good bipartisan shape that took us by surprise. It seemed to have a life of its own, and we had my side of the aisle ecstatic because we finally thought we had you guys, and you guys worried about what you could do.

So you worked up eventually a bill that no one was sure how the voting was going to go on, because you had conference after conference, and the Democrats were fighting like crazy, and you had all of these liberals that did not want anything, and then the conservatives that kind of liked Gramm-Rudman, all of a sudden you all stuck together, which is really—parties are supposed to do that. So it is not said in a condemnatory way.

Now, the bill had a couple of flaws, and deep down the people on that side who wanted it knew it; that is, knew it was unconstitutional. A small, petty thing that was not going to make the papers but which kept all the liberals because they know it could never be law.

Now, as I understand it from the chairman of your conference, I think I understand it, you want to go to conference so that those folks of you who really want this kind of a bill, that we can compromise that. I do not know, eventually you have got to decide whether it is severable or unseverable. We cannot do that on our side. I am not going to kid you, we do not have the votes. But it is coming down to not an argument of poor against poor. I can read the programs. "My goodness, you are killing Head Start. How could you?" You know, we can go through all of that jazz. Nobody believes us any more. It is going to affect everybody, defense, nondefense; and those of my side that think you can protect every bomber and every base, we cannot do it. But those of you that are going to play the game that somehow you take one older Americans program and protect it and then exempt the Older Americans Act, we will use that against you. Too bad we do not just do it now. I think the new Gramm-Rudman answered a lot of the legitimate objections. But one of your leaders has said we have got to go to conference.

The SPEAKER. The time of the gentlewoman from Illinois has expired.

Mr. MACK. Mr. Speaker, I yield 1 additional minute to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. As one of the conferees, that does not thrill me. But we will go. I would hope that common sense would have prevailed, that we could just vote this solidly with the changes that were legitimately compromised that came over from the other body. But if we go to conference, if that is your will, the American people will be listening, and we had better come out with a bill pretty close to this one that does cut the budget in 6 years and does cut the deficit to zero. Otherwise, the farce will get bad reviews throughout America.

□ 1805

Mr. MACK. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the gentleman for yielding.

Mr. Speaker and Members of the House, there are Members on the floor who surprised me last week in voting for the Rostenkowski alternative, because, frankly, they have cast a lot of votes that I thought represented real interest in trying to reduce the deficit.

We passed the budget proposal in this House that gave us about $171.5 billion in deficits. I myself voted for the Democrat budget proposal. I would have preferred the Latta proposal, but I was willing to vote for the Democrat budget proposal because it did several things, it gave us about $55

billion in budget reductions, it had no increase in taxes and, in addition to that, it did not slash defense below what I thought was something we could not afford. So it met those three provisions that I had set up for myself in terms of judging the budget.

So we passed this budget at $171.5 billion in deficits, and now we take a look at this projection and we see we are $20 billion plus over in deficit projections. We are at $194 billion in deficits, which is $23 billion more than what we passed in our budget.

So how can we stand in this House and argue that we ought to be down to $161 billion when our budget calls for deficits of $171 billion and we are $20 billion over that mark?

Now, let us be realistic and let us be practical in terms of what we can pass.

Now, let me say this to you: In addition to this, we get reconciliation bills on this floor. Reconciliation bills are designed to reduce spending with language we pass in our budget resolution and we increase spending by $4.5 billion in reconciliation.

So not only do we have a deficit that is $20 billion over the deficit projection that we established on our budget, but we have $4.5 billion in increased deficit created by our reconciliation bill. And liberals come in this House and say, "We ought to cut it down to $161 billion." A heck of a lot of us would be prepared to live with that, but the simple fact of the matter is that nobody who is proposing this thing is prepared to live with it. None of the liberals in the House are prepared to support this action. I know this because we are passing deficits that are $20 billion over what we passed in our budget resolution and $4.5 billion in increased spending in reconciliation.

To me, it is unbelievable what we are talking about. You want to front load the proposal. And, in addition to that, you want to put this constitutional challenge in there. You really limit the power of the President to exercise veto authority. And then you say if that is challenged, the whole proposal gets thrown out and we cannot operate under any deficit reduction program.

Frankly, I hate to question whether people are legitimate in their concern, but when you are $20 billion over what we originally set as our target, an increase in spending under the reconciliation bill, I do not think you are really being serious about this; frankly, I think you are trying to destroy this whole Gramm-Rudman proposal with the Rosty proposal.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. LEATH].

Mr. LEATH of Texas. Mr. Speaker, I think I understand partisan politics about as well as anybody, and I am probably as nonpartisan a type of person in my approach to this job as there is in this building. But I think what we need to focus on right now—we have got a right to take our partisan shots at each other—but what we need to focus on right now is this, and let me just give you a little chronology of what happened:

My good friend, Senator GRAMM—and he is my good friend, I was privileged to work with him in 1981—when we did some things around here that I think needed to be done, and I think he seized an opportunity, in great frustration, as many of us have, that we are not going to reach a consensus, so maybe we can force ourselves to do it. So a piece of legislation was worked up, it passed the Senate, primarily on a very emotional basis, let us all admit that—even they did. It comes over here and it needs some defining, it needs some clarification. There is a very simplistic formula applied to very complicated government. What is going to happen?

So we say, "OK, let's go to conference, and let's work some of these things out."

We split up into four task forces, bipartisan. And let me tell you something, we put in 16, 18, and some of the staff, 20 hours a day on a very intellectually honest basis, working through this. We come back several days later. The Senate is not doing this, the other body is not doing this. The House Members, Democrats and Republicans, are. We come back to that conference last Wednesday with reams of clarification, 75 percent of it bipartisan, 75 to 80 percent acceptable to the Senate. We go in on an honest intellectual basis. And let me tell my Repubican friends something. I know you have got a right to suspect and say, "Well, the Democrats are not serious." Let me tell you, if there has been a meeting that has been held around here since this came up, because of my being on the Budget Committee, I have been in those meetings, I have never heard one second of any Democrat, from the Speaker of this House on down, say, "Let's try to kill this thing?" We accept the fact that it is going to pass. What we are trying to do is make it better and make it work.

So we go into this conference, and the other body accepts all of this work that we have done on a bipartisan basis. The Democrats in the House said, "OK, we are dealing with the most far-reaching legislation, the most far-reaching piece of legislation in this century. We have got four or five things we would like to discuss, Mr. Chairman," they said to the chairman of the caucus. The chairman said, "Nope, sorry, we are not going to discuss it. If you have a package you want to present us, we will look at it."

We looked at each other and said, "What in the world is going on here?"

We had been working for a week to try to improve the situation. We had come to an intellectually honest place to try to work it out. And, "No, absolutely not, we are not going to discuss these points."

Now, that is when you saw the so-called Democratic alternative originate.

I do not think that is the way to deal with the most important piece of legislation in this century.

Now, what we are talking about here today is going back to that conference because nobody knows what was just passed over there, and anybody who will stand down here in this well and say that they have read it and they know everything in it is not telling all the truth, because we do not know.

So what we are talking about here is to go back to that conference and to talk to each other and, hopefully, this time the other body would say, "OK, we are going to listen."

So I would urge us to do that. I think it is reasonable and I think it is common sense.

Mr. MACK. Mr. Speaker, I yield 3½ minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, let me say to my good friend from Texas that if in fact he has been at a lot of meetings and has not heard any Democrat suggest they want to kill Gramm-Rudman, I think there must be a whole series of meetings he has not been in, because I can assure him that we have certainly had a lot of different folks who would like to kill Gramm-Rudman.

Mr. LEATH of Texas. Will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to the gentleman.

Mr. LEATH of Texas. I am not saying that, I would say to my dear friend and classmate from Georgia. I am not saying that, but what I am saying is: Let us deal with each other on an intellectually honest basis. Let us accept the fact that we have got people on both sides who want to kill this, that or the other, but let us deal with each other on an intellectually honest basis.

Mr. GINGRICH. I thought I must have misheard the gentleman earlier, and I was just commenting that it does seem to me clearly there are a considerable number of people on the gentleman's side who would very much like for this whole thing to go away.

I am looking forward for what I suspect will wind up being two votes this afternoon. I have a number of friends who consider themselves conservative or moderate Democrats who were saying for weeks that if they ever got a chance to vote for Gramm-Rudman, they were going to vote for it. This afternoon they are going to get a

chance to vote for it. I am looking forward to seeking how they vote.

I am also looking forward because I suspect that if it does fail—and I think the Democratic leadership has done a masterful job of putting together a coalition to ensure that it will fail today—there probably will be a second vote, the core of which I think is on what is the central weakness, if you want to talk about being intellectually honest, of the Rostenkowski amendment last Friday, and that is the notion that, first, you design a measure which you know is unconstitutional, and then you contain a second measure which says if the first item is knocked out, the whole thing dies.

Now, I think if you are faced with the problem the Democratic leadership faced last week, which is how do you put together those Democrats who at least say they want to cut spending with those Democrats who openly say they do not want to cut spending and get them all to vote for the same thing, that certainly Friday's performance was among the finest in recent history in this building.

But the core of pulling that off was to write a document which would self-destruct. It will be very interesting to see, if, for example, instructions are offered later on today, you are given a chance to vote to take out that time bomb. How will moderate and conservative Democrats vote at that point? Will you vote to keep the time bomb in because that was the deal, or do you vote to take it out? And then you might get Rostenkowski without the unconstitutionality. And then even Rostenkowski might not look very good to the liberal wing of your party.

But, finally, let me just say—and I thought the gentleman from New Hampshire began to make this point, and he is exactly right—it has been peculiar to watch the gentlemen on the Democratic side jump up on Friday and say, "We have to pass something immediately to save Social Security, but, by the way, let us vote to go home immediately, without waiting for the other body," and then come in today and say, "Oh, we don't have to rush to do anything," as though it were all the same thing, and to hear similar gentlemen who on Friday assured us that relying only on CBO would work, Rostenkowski was better because it only relied on the Congressional Budget Office.

I will be glad to submit for the RECORD, if the gentleman from Missouri really does question it, the letter from Mr. Penner to Mr. MICHEL, from the Congressional Budget Office, specifically outlining on a purely professional basis exactly how Rostenkowski hits a whole range of programs, including those the gentleman from California was worried about earlier, things such as Older Americans Program, Social Services block grants, Maternal and Child Health, and a whole range of programs which Rostenkowski hits much harder than Gramm-Rudman.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, first of all I think we ought to set the record straight with regards to disinvestment. The minute the clock went past 12 midnight on Friday, that is when disinvestment took place. It had nothing to do with the House's action. It had everything to do with the fact that the Senate did not act prior to 12 o'clock.

Let us recognize that there is in this House a legitimate concern that we do something about the deficit. But let us also recognize that the approach we develop has to be fair, it has to be workable, it has to be balanced, and it has to be constitutional.

I think the test of our seriousness is our willingness to negotiate based on these principles.

Now, as the gentleman from Texas pointed out, the fact is that the Senate was never really serious about negotiating the first time. We did not have a conference last time. What we faced was a closed door. The reality was that the other body assumed that we did not have the votes to pass alternative and that the Senate proposal would be adopted. So for that reason, very frankly , there was no negotiation. Yes, we worked on process; yes, we worked on procedure, but when it came to the key elements of concern, the Senate basically said, "We will not consider what the House has to offer."

Now, it did not happen that way last Friday. The alternative passed. Why? Because there are legitimate concerns.

And I would hope that those legitimate concerns are shared on both sides, a legitimate concern about the workability of this proposal. If we are going to say you have to cut across the board, then that has to be verifiable, it has to be enforceable. We do it by using budget authority because the experts tell us it is the most effective way of verifying that cut across the board.

The Senate says they do it on the basis of outlays.

But let me give you one small example. The Senate says they have $75 billion of prior contracts that are part of the pot. The White House says that there are no prior contracts that are part of this pot. You talk to CBO, and they cannot confirm that prior contracts are part of this pot.

□ 1820

What we have proposed is workable because it is verifiable.

In addition to that, we are concerned about a recession trigger because we are concerned about the overall economic situation. Yes, we are concerned about making it real in 1986 and not postpone this effort until 1987 because the whole thrust of this, is to make it work now. Yes, we are concerned about the balance of powers and protecting for the Congress the ability to design that order.

You argue about CBO; the fact is that CBO is very important to our ability to protect the power of the Congress. We also wanted to be fair. The package that came from the Senate and the package that is before us now would eliminate 52 percent of Federal spending. We think the poor ought to be exempted as well in that kind of package.

Please vote to go to conference.

Mr. MACK. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. I thank the gentleman for yielding.

Mr. Speaker, last Friday afternoon we played budgetary brinksmanship. I think we probably all lost. I know that the Social Security trust funds lost, and if you look at the fingers and the directions in which they were pointing the blame, I suspect that they are pointing in all directions.

The Senate did not need to act timely because there was no one to respond to. This House had decided in its wisdom to go home and the Social Security Trust Funds got disinvested. That is bad policy; that is budgetary brinksmanship.

I suggest now we are at the edge of playing constitutional brinksmanship. This afternoon in the Michigan Legislature, the Michigan Senate voted 24 to 14 to push down the throats of this Congress a constitutional requirement that would either cause us to convene a convention or to offer forth an amendment. The reason they acted is because they are fed up. They recognize that a balanced budget in Michigan would create 30,000 new jobs in that State and Congress won't act.

Democrats and Republicans joined alike. They did not point fingers except at Washington, and they said get on with the business of getting your house in order.

Let me talk constitutional issues for just a second. The Senate substitute that we are asking you now to concur in assures that the act is constitutional by providing for a joint OMB/CBO report with GAO participation. I think my colleague from California mentioned the essentialness of CBO. I concur; so did the Senate. Maybe he ought to read the Senate amendment that was just sent back over. It dealt with the contracting issue that he was concerned about.

The Senate amendment contains an automatic fallback to cure any constitutional problem by providing for a joint resolution by Congress to trigger the sequester order. That is taken care of in the Senate amendment.

The severability clause in the Senate assures that a single constitutional flaw will not affect the entire act. Here we go again, I have to say to my colleagues, but more importantly to the American public. What did we send the Senate Friday? We sent a document that said if one "i" was not dotted properly, the whole law self-destructs. In other words, we said to the American people, "We really cannot do it; we are going to tell you we are going to try; but we are going to play games with it and it will self-destruct." We have taken care of that in the Senate version.

In the House democratic version, it means any constitutional flaw will kill the entire act. I do not think we ought to be doing that. That is brinksmanship in its finest form but not with us this time but with the American people. The House version ignores the presidential veto in determining whether a sequester order may be avoided by congressional action.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I support going to conference, but I hope that the conferees will consider a corporate minimum tax as part of the effort. I think there is a feeling here that is shared by the American people that deficit reduction should be borne not just by the poor, by the verterans, by health research, by agriculture, by defense or even by air safety but by corporations that do not pay their fair share of taxes, and there are a lot of them.

I think that this proposal should be shared both on the spending side as well as on the tax side. The other body has given us an opening. The other body has provided that they will try to pass a minimum tax by April 15 of next year. This minimum tax is not inconsistent with tax reform. It provides an equitable way, along with spending cuts, to get our deficits down.

My constituents cannot understand how we are making these enormous cuts without asking big defense contractors and big corporations that they should not share in the process also, and I hope that our conferees will keep this in mind when they go back to conference.

Mr. MACK. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise in support of the motion offered by the gentleman from Florida.

Mr. Speaker, the saga of deficit reduction continues. For the third time in the last 3 weeks, this body today has an opportunity to do something about deficits and to reduce the red ink that continues to pour across our budget.

The American people want something done about these deficits. They are not fooled by the efforts to throw a smokescreen across the serious efforts to reduce spending. They are not fooled by scare tactics about disinvestment of the Social Security Trust Fund. And they are disgusted by the finger pointing which is going on in a sad—and I predict, vain—attempt on the part of some Members to shed responsibility for this problem.

Mr. Speaker, when I was in my district over the weekend, I got a lot of questions about what we are doing to stop this deficit. But those folks weren't asking me about disinvesting the social security fund. Sure, they are concerned about that, but they know that is a sideshow to the main event. And they didn't ask about the merits of Rostenkowski or the Gramm-Mack amendments. Their message was simple: "Get back there to Washington and do something—do anything—about the deficit."

We ought to heed what these folks are telling us. Let's stop raising false issues. We are told on the floor this afternoon that disinvestment came about because the Senate failed to act last week by midnight of Friday. But the truth is that it was our rush to get out of town and our adjournment on Friday when this issue had not been resolved that brought about disinvestment. We could have avoided it. We are told we have to have Rostenkowski because of the safety net. But the truth is that picks and chooses which groups and which programs to protect and places all the burden of the cuts on the others. Is Head Start a less important program than Aid for Dependent Children? Are dislocated workers less important than veterans?

The truth is, a deficit reduction program will work only if it affects everyone. We can't pick and choose.

Mr. Speaker, let's get on with our business. Let's pass a deficit reduction plan and do it now.

Mr. MACK. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding me this time.

Mr. Speaker, first I would like to applaud the gentleman from Florida for offering this motion to give us a straight up-or-down vote on Gramm-Rudman. I think most Members of this House wanted to express their feelings on that issue.

Mr. Speaker, this is getting to be like a prizefight. We are in round 3 of the title bout on deficit reduction. There have been some blows struck, but I'm not sure who's winning.

That may be the problem here, Mr. Speaker. So many are so worried about who's going to win and who's going to lose. Our commitment to deficit reduction seems to have been left in the locker room with the rest of our dirty laundry.

We are just beginning to get a closer look at the Democratic majority's amendment which passed this House last Friday. It is not the best this body has to offer.

I've heard it argued that the Democratic majority's approach would cut more in 1986. Yet, I'm also told that if current annual GNP growth remains constant at 2.5 percent, the majority's plan will actually cut less.

I've heard it argued that the majority's approach provides protection to worthwhile programs. Yet, I can show you where protection for some programs would cause others, equally worthwhile, to be decimated beyond recognition. Those programs range from education of the handicapped to our national defense.

The new Senate version, on the other hand, has come a long way since its inception some weeks ago. Vague definitions have been made specific. Treatment of contracts is made clear. Affected programs are spelled out in detail. Constitutional questions have been answered. The baseline questions have been answered.

We need to move closer together on this issue, not farther apart.

This exercise in deficit reduction may be the model political scientists use to dramatize what the legislative process is all about. I hope, in the end, it is used as an example of how the system works not how it fails.

This exercise is critically important to the national debate over deficits and fiscal policy.

So far, we've bungled it as badly as it can be bungled. We had a regular circus performance over Social Security disinvestment. There was so much finger-pointing and politicking going on here, the House blew a golden opportunity to avoid that mess altogether. The politics of Social Security turned out to be more important than saving Social Security.

Now we are facing more deadlines. Next week the debt ceiling will be reached, the continuing resolution will expire, as will Superfund and the cigarette tax.

We all have long ago acknowledged that something needs to be done to control deficit spending. We have already committed ourselves to an approach along the lines of Gramm-Rudman. The Senate has now reaffirmed its belief in it. The House did so in instructions to conferees and with passage of the so-called Rostenkowski amendment.

□ 1830

Now, was that all a sham? Was it all just a token political gesture? If it was, let us clear the air right now and go on to other business. And let us keep in mind that that was not a close vote over in the other body today. It was a 3-to-1 majority. It had to be bipartisan to a great extent.

The gentleman from Idaho specifically made mention of those changes that were of real concern both to the majority and some on the minority,

and as has been pointed out several times here, they have been cleared up in those prior conferences that we have had and incorporated in the new package that now has been presented to us by the other body, and being made effective as it is in 1986.

Mr. Speaker, I think we ought to support the gentleman's motion. I certainly am going to do so.

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] has 5 minutes remaining, the gentleman from Florida [Mr. MACK] has 3 minutes remaining, and the gentleman from Florida will close the debate.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, very briefly, it seems to me that the bottom line is this: Do we know what we are voting on, or not? And it is very clear that we do not know what we are voting on. There were Members of this body a week ago that were in here urging all of us to stampede this significant piece of legislation through this body, and today I would say that the majority of those Members who a week ago were saying, "Vote for this right now, trust us, it is all good," would not stand here in this well and defend the original proposal.

I would suggest to you that there are not very many Members in this body who can come down here right now and answer my questions about how this plan would affect the Commodity Credit Corporation, military construction and highway construction, Medicare, and a number of other things that we are all deeply concerned about.

As the gentleman from Texas earlier urged, common sense demands that we go to conference, study this thing, and know what we are talking about. Our constituents have a fundamental right to expect us to know what we are voting on, and I would dare say, Mr. Speaker, that the majority of the Members of this body right now do not know what is in this proposal that was just passed within the last few hours by the other body.

I strongly urge us in the name of common sense and good reason to support the effort to get this into conference.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Speaker, there are four tests that are important as we look at this very outstanding piece of legislation that concerns us all. No. 1 is the constitutional test: Does any legislation that we consider pass that, or will we make major changes in the checks and balances? Second, the economic test: Will what we do bring about an economic catastrophe because we may find ourselves in an economic downturn doing something that is bad for the economy? And third, the fairness test: Are we being fair to everyone in our society? Are we concerned about the widow, those who are poor and hungry who did not cause the deficit? And then finally, and the most important test of all, is the deficit-reduction test: Which proposal reduces the deficit the most?

Clearly the one that was proposed here last week does that by reducing the deficit and setting a target of $160 billion, whereas the one that comes from the other body calls for a deficit that is $20 billion higher.

I urge the Members to vote "no" on concurring and vote "yes" on going to conference so we will know what is in this new proposal, and whether the four tests can be met.

Mr. GEPHARDT. Mr. Speaker, I yield the balance of the time to the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

The SPEAKER. The gentleman from Texas [Mr. WRIGHT] is recognized for 3 minutes.

Mr. WRIGHT. Mr. Speaker, it seems to me that there are three fundamental questions that we face. Basically we are deciding whether to go back to conference and try there to hammer out upon the anvils of mutual give-and-take some accommodation with which both Houses can live, embodying at least some of the things that we voted for so overwhelmingly in this House last week. Or, on the contrary, do we just cave in and accept the work of the other body without change, and to some degree sight unseen?

I think we want to do the former. If we want to do the former, we will vote "no" on this motion to accept Gramm-Rudman in toto, swallow it whole hog.

The first of those fundamental differences that exists is that the House position takes effect immediately. If you want to begin now, this year, to reduce these staggering deficits, you will vote "no" on this motion, and you will support the House position. The House position takes effect in fiscal year 1986; the Senate amendment would not.

The Gramm-Rudman proposal would allow the budget deficit to rise to $189 billion this year before it made the sequestration order applicable. That just happens to be at least $17 billion higher than both the House and the Senate voted for earlier this year when we adopted our concurrent resolution on the budget. Just this week, only yesterday, the other body rejected an amendment to set the sequestration trigger at $17 billion, which was the figure we earlier adopted.

So I suggest that if you want it to take effect now, if you want to reach a balanced budget sooner, you will vote "no" on this motion to swallow whole hog the Senate's work and abandon our own carefully crafted substitute.

The second difference is that the House substitute preserves at least some shred, some remaining portion of what is called the safety net. The President said, when he began with all his budget cutting, that he wanted there to be a safety net to catch those most vulnerable, those most helpless, those poorest, those most handicapped in our society. The House bill does that; the Gramm-Rudman bill does not.

Two illustrations make the point. With respect to the Medicare Program which assists our needy aged, the Senate would destroy any protection whatever for Medicare and make it subject to the same ax that would fall upon everything else. The House position at least protects it to the extent that it allows it to remain unharmed, at least from cuts below the preceding year's level. It puts it at a freeze, and it makes it subject to not gaining the cost-of-living adjustments, but at least it protects it to that extent.

In the second instance, there are questions of veterans' disability benefits for those who have suffered the loss of their wholeness in defense of their country. The House program places that in the same position as Social Security; the Senate does not.

So, Mr. Speaker, I say to the Members, if you do those things, if you would preserve some shred of the safety net, if you would preserve the constitutional balance, if you would preserve the House position, you will vote "no" on this motion.

The SPEAKER. The Chair recognizes the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I rise in support of the amendment and the American people who are fed up with paying $15 million an hour in interest on the national debt.

A previous speaker, the gentleman from Texas [Mr. LEATH] ventured the opinion that the Gramm-Rudman-Hollings proposal passed the other body on an "emotional basis." That may be so. The first time. But weeks later, the amendment again passed the other body by a near identical and overwhelming bipartisan vote. No emotionalism this time. Just sober reflection. Just a thoughtful, deliberative response to the expressed will of the American people.

The American people are saying to us, do something and do it now. Be fair, be even-handed, but do something.

They're fed up with annual deficits in the $200 billion range.

They're fed up with paying $360 million a day—every 24 hours—in interest on the national debt.

They're fed up with paying $15 million an hour in interest on the national debt.

Do something, say the American people. Be fair, be evenhanded, but do something. And do it now. The amendment before us offers the opportunity for all of us to respond to that call. I urge its adoption.

Mr. MACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am including in the RECORD information in support of my motion today, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 5, 1985.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. LEADER: I am enclosing, as you requested, tables showing the possible effects in 1986 of the House-passed and Packwood amendments to the debt ceiling bill. The tables use the same general approach as those provided to the debt ceiling conferees on October 24, while fully reflecting the provisions of the House-passed and Packwood amendments relating to specific programs.

For purposes of estimating the deficit, we have assumed an outlay base of $982.5 billion, which is the figure we have been using for all illustrative sequester calculations; this reflects current law for entitlements and other mandatory spending and 1985 levels for discretionary accounts. The assumed revenue base is $787.9 billion, which is an estimate of current law revenues under CBO August economic and technical assumptions, plus $0.2 billion for extension of superfund taxes at current rates. These estimates, however, are highly preliminary and are unlikely to be those which CBO would use for an actual report pursuant to the House-passed or Packwood amendments. The numbers in the final report could differ significantly from the numbers used above for illustrative purposes.

If you have any questions about these calculations or would like additional information, please call me, or have your staff contact Paul Van de Water (226-2880).

With best wishes,

Sincerely,

RUDOLPH G. PENNER.

Enclosures.

	House amendment	Packwood amendment
Computation of deficit reduction:		
Outlay base	982.5	982.5
Revenue base	787.9	787.9
Resulting deficit	194.6	194.6
Deficit target	161.0	180.0
Difference	33.6	14.6
Deficit reduction prorated for 9 mo	25.2	11.0
Distribution of spending cuts:		
Indexed programs	1.8	1.6
Other nondefense	9.9	4.6
Subtotal	11.7	6.2
Defense	13.5	4.8
Total	25.2	11.0
Outlay base:		
Exempt outlays:		
Exempt programs	348.4	297.9
Prior-year obligations	203.0	104.7
Subtotal	551.3	402.6
Outlays for indexed programs (category I):		
Base outlays	144.4	87.9
Indexing	1.8	1.6
Subtotal	146.2	89.5
Controllable outlays (category II):		
Defense [1]	164.5	248.9
Nondefense	120.5	241.6
Subtotal	285.0	490.5
Total	982.5	982.5
Percentage reduction in category II outlays	8.2	1.9

[1] For purposes of estimating the effects of the Packwood amendment, Senate staff has provided estimates of 1986 outlays in controllable programs resulting from prior-year contracts that may be reduced.

DOLLAR REDUCTION

[In millions of dollars]

Program	House amendment		Packwood amendment	
	Budgetary resources	Outlays	Budgetary resources	Outlays
Function 350:				
Temporary emergency food assistance	5	4	1	1
Non-CCC farm programs	577	527	139	124
Function 370: Housing for elderly and handicapped	49	0	12	0
Function 500:				
JTPA (excluding Job Corps and dislocated)	241	31	80	10
Dislocated workers	19	2	5	1
Job Corps	50	6	12	1
WIN	22	17	5	4
Indian education	28	19	6	4
Head Start	88	40	21	9
Compensatory education	304	21	71	5
Education for the handicapped	109	5	25	1
Vocational and adult education	77	8	18	2
Student financial assistance	404	68	94	16
TRIO and aid to developing institutions	26	2	6	0
Social Services block grant	224	224	52	52
Older Americans programs	94	47	22	11
Function 550:				
Migrant health centers	4	2	1	0
Maternal and child health BG	39	22	9	5
Function 600:				
Low-income energy assistance	173	155	40	36
Subsidized housing programs	884	2	1019	2
Public housing operations subsidies	125	62	29	15
Rural rental assistance	4	0	1	0
Very low-income housing repairs	1	1	0	0
Nutrition assistance for Puerto Rico	71	71	17	17
Refugee assistance	37	30	9	7
Emergency food and shelter	0	0	0	0

SENATE AMENDMENT HAS COME A LONG WAY FROM ORIGINAL GRAMM-RUDMAN

Now have a do-able, detailed procedure which can lead us successfully to a balanced budget instead of the "conceptual outline" that constituted the original bill.

Have now spelled out specifically how various programs are to be treated under sequestration procedures—

Vague definitions have been scuttled in favor of listing which programs are singled out for exemption or special treatment;

Treatment of prior-year defense contracts is clearly defined and new contracts are specifically required to be sequesterable;

Programs which are not susceptible to sequestration for legal or technical reasons have been singled out.

Have responded to the legitimate concern over the impact of a recession or economic down turn and to the difficulty of projecting the economic cycle accurately.

Senate amendment now addresses the constitutionality issue and allows for expedited judicial review of the new law and for severability in case certain provisions are found unconstitutional.

Recognizes the constitutional problems of leaving OMB and CBO to develop the report which triggers sequestration and instead gives Comptroller General the responsibility for reporting to the President and Congress.

Packwood Amendment recognizes that original bill failed to clarify the "baseline" against which the budget deficit is measured and generally adopts the House procedure for this.

CONSTITUTIONAL ISSUES—WHY PACKWOOD AMENDMENT IS PREFERABLE

Packwood substitute assures that the Act is Constitutional by providing for a joint OMB/CBO report with GAO participation.

Packwood contains an automatic fallback to cure any Constitutional problem by providing for a Joint Resolution by Congress to trigger the sequester order.

Severability clause in Packwood assures that a single constitutional flaw will not affect the entire Act.

House passed Act contains "poison pill" which is designed to have it self-destruct on Constitutional grounds.

Non-severability clause in House version means any single Constitutional flaw will kill the entire Act.

House version ignores a Presidential veto in determining whether a sequester order may be avoided by Congressional action. Congress gets "credit" for bills the President vetoes.

IS $161 BILLION A PHONY TARGET FOR FISCAL YEAR 1986?

The Democrats claim their $161 billion deficit ceiling for FY 1986 is "tougher action" and "more immediate" action on the deficit than the Gramm-Rudman plan. In fact at the current rate of real GNP growth of 2.5%, the Democrats' deficit ceiling is $180.1 billion—virtually identical to the Gramm-Rudman ceiling.

Many credible forecasters see real GNP growth for 1986 at 2.7% or below: Bank of America, N.A.; U.S. Trust Co.; Manufacturers Hanover Trust; Metropolitan Insurance; Chase Manhattan Bank; Equitable Life Assurance; Monsanto Company; Pennzoil Company; and Arthur D. Little.

At any rate of real GNP growth below 2.5% for FY 1986, the Democrats' plan would actually cut less than Gramm-Rudman. For FY 1987 and beyond, it would cut less than Gramm-Rudman at any rate of GNP growth below 2.7%.

DEFICIT REDUCTIONS UNDER GOP PLAN AND DEMOCRAT ALTERNATIVE

[In billion of dollars]

	Democrat alternative	Gramm-Rudman
Real GNP growth cuts:		
2.7 percent	$36	$36
2.5 percent	32	36
2 percent	21	36

WHY PACKWOOD AMENDMENT IS PREFERABLE TO HOUSE-PASSED AMENDMENT

By including more programs in the sequester pot, the Packwood amendment mitigates the impact of a sequester across a broad range of programs.

By contrast the House-passed amendment would require deep cuts in those programs not accorded preferential treatment.

The House amendment exempts $551 billion in outlays, while the Packwood amendment exempts only $403 billion in outlays.

Under the House amendment, with a deficit target of $161 billion, programs in Category II would have to be cut by 8.2%. Under the Packwood amendment, with a deficit target of $180 billion, those programs would only have to be cut by 1.9%.

In specific programs the impact is staggering:

Non-CCC Farm Programs would have to be cut by $577 million in budgetary resources under the House amendment, compared to $139 million under the Packwood amendment.

Student Financial Assistance would have to be cut by $404 million in budgetary resources under the House amendment, compared to $94 million under Packwood.

Head Start would be cut by $88 million under the House amendment compared to $21 million under Packwood.

Compensatory Education would be cut by $304 million under the House amendment compared to $71 million under Packwood.

Social Services Block Grant would be cut by $224 million under the House amendment compared to $52 million under Packwood.

Education for the Handicapped would be cut by $109 million under the House amendment compared to $25 million under Packwood.

Low Income Energy Assistance would be cut by $173 million under the House amendment compared to $40 million under Packwood.

TRIO and Aid to Developing Institutions (Historically Black Colleges) would be cut $26 million under the House amendment compared to $6 million under Packwood.

Maternal and Child Health Block Grant would be cut by $39 million under the House amendment compared to $9 million under Packwood.

Older Americans Programs would be cut by $94 million under the House amendment compared to $22 million under Packwood.

JTPA (Joint Training Partnership Act, excluding Job Corps and Dislocated Workers) would be cut by $241 million under the House amendment compared to $80 million under Packwood.

BRIEF EXPLANATION OF SENATE PACKWOOD AMENDMENT

I. DEFICIT TARGETS

A. Realistic, provides for firm but orderly progress to a balanced budget by FY 1991, as follows:

Fiscal year:	*Billions*
1986	$180
1987	144
1988	108
1989	72
1990	36
1991	0

B. "Trigger levels" for sequestration require "statistically significant" excess over targets of *five percent* (i.e. $189 billion in FY 1986.)

C. Recession provisions allow Budget Committees to report a resolution suspending or revising provisions of the Act when two consecutive quarters of less than one percent GNP growth are projected or have occurred.

II. EXEMPTION AND SPECIAL TREATMENT OF PROGRAMS

A. Totally exempts the original items: Social Security, interest on the debt, earned income tax credit, plus a number of other programs excluded for technical reasons.

In addition to above:

B. House exempts: AFDC, Food Stamps, SSI, Veterans Pensions, Veterans Compensation, Child Nutrition, Migrant Health, Community Health Centers, and WIC.

Senate Exempts none of these programs but puts Food Stamps, Veterans Pensions and Compensation, SSI and Child nutrition in Category I.

C. House puts Medicare in Category I, while Senate puts Medicare in Category II.

III. TIMETABLE

	Fiscal year 1986	Regular (fiscal year 1987–91)
CBO/OMB report	Dec. 10, 1985	Sept. 15.
GAO report to President	Dec. 15, 1985	Sept. 25.
Presidential sequestration order.	14 days later; i.e., Dec. 29.	14 days later; i.e., Oct. 9.
Effective date of order	30 days after issuance; i.e., Jan. 28, 1986 (retroactive to Dec. 29).	30 days after issuance; i.e., Nov. 8. (retroactive to Oct. 9)

IV. PROVISION FOR CONGRESSIONAL RESPONSE TO SEQUESTRATION ORDER

A. Budget authority is withheld for 30 days following issuance of order;

B. If alternative reconciliation bill becomes law under expedited procedures during the 30 day period, budget authority is released to the extent permitted by law;

C. If no reconciliation bill, budget authority is permanently cancelled.

V. EXPEDITED CONGRESSIONAL BUDGET PROCESS

Senate amendment adopts Beilenson expedited timetable. Includes separate track for House procedures.

SPECIAL PROVISIONS

Programs	House	Senate
Unemployment	Regular state unemployment benefits and loans to the State and Federal unemployment accounts are exempt from sequestration. Federal benefits and administrative expenses are subject to sequestration.	Same, except for technical differences.
Guaranteed Student Loans	Allows reductions only in loans made after a sequester order is issued. GSLs entered into prior to a sequester order would not be affected.	Same as House.
	Limits sequestration reductions to two options, with reductions coming equally from both: —the special allowances for lenders could be reduced up to 0.40 percentage points, but not below 3.00 percentage points, in the year of the sequester order. —a student's origination fee could be increased by up to 0.50 percentage points.	Describes same two options as the House, but does not limit savings to these two options.
Child Support Enforcement	Federal matching rates for State costs are sequesterable.	Same.
Mineworkers Benefits	Black lung and coalminers benefit increases are treated the same as other automatically indexed programs.	Same, except for technical differences.
Foster Care, Adoption Assistance Programs, and AFDC.	Increases in foster care or adoption assistance payment rates (or both) which are to take effect during the fiscal year involved are subject to sequestration to the extent that the required matching payments attributable to increases taking effect during that year. AFDC is exempted.	Expenditures for aid to families with dependent children, foster care maintenance payments, adoption assistance payments, and administrative expenses, are sequesterable. No State may change the fiscal year in which expenditures for these programs are made.
Dept. of Defense—Military	Requires proportional sequestration of all programs, projects, and activities whether or not they are identified in a committee report or bill	The Senate bill would sequester outlays from budgetary resources which include new BA, unobligated balances and outlays from existing contracts which pass the "net loss" test.
Dept. of Defense—Military	The House bill sequesters only new BA, excluding unobligated balances and all outlays from prior year actions. It requires the sequestration to yield outlays savings in the same proportion that total outlays (as compared to controllable outlays) exist in the defense function. This greatly increases the BA reduction in the slow spending accounts. For example, the House language would require approximately double the budgetary resources than the Senate language for the same sequester.	General sequestering language would sequester at the lowest level of detail identified in the most recently enacted relevant appropriation acts and reports.
Medicare	Medicare would be treated entirely as a Category I (indexed) program. Sequestration would be limited to the indexed portions of medicare (as defined below). The indexes would be defined as the annual adjustments in hospital DRG rates, and in physician reasonable charge increase limits. Sequestration would be applied (as specified below) to the payment increases specified in statute, regulations for Federal Register promulgations. (The law requires annual promulgations specifying DRG rates and physicians fee limits). If these regulations provide an increase over the payment levels in effect when the regulations are issued, sequestration could be used to reduce that proposed increase by the necessary percentage, down to zero. If these regulations establish a payment level equal to or lower than that in effect when the regulations are issued, sequestration could not reduce the payment level below that specified in the regulations.	Reductions shall apply to payments under Title XVIII of the Social Security Act so as to reduce all payments under such title for items or services furnished during the period of the order by the specified uniform percentage reduction. The President may not, pursuant to any authority granted in this section increase any deductible, coinsurance amount, or premium amount under such * * *. This clause shall not apply to payments for clinical diagnostic laboratory tests to which section 1833(h) the Social Security Act applies.
Social Security and Medicare Administrative Expenses	Exempt.	Administrative expenses for social security are sequesterable like other controllable expenditures.
Medicaid	For all intents and purposes, Medicaid is treated as a Category I program. The only action under a sequester order would be to allow the President to prohibit Federal matching for State increases in Medicaid provided payments (hospital and physicians) to the extent necessary to achieve the needed reductions. As noted, only an increase in a State benefit payment or rate would be subject to sequestration.	Reductions shall apply to payments under Title XIX of the Social Security Act so as to reduce all payments to States under such title for State expenditures for medical assistance furnished, and administrative expenses incurred, during the period of the order by the uniform percentage reduction specified in the order as it applies to all other controllable expenditures.

SPECIAL PROVISIONS—Continued

Programs	House	Senate
CCC	Language is unspecific to the operation of the sequestration order for programs administered by the CCC. Depending upon interpretation, the CCC language in the House amendment could well result in the substantial exemption of CCC farm programs from a sequestration order. In any case, the provision allows reductions only in CCC loans and agreements entered into after a sequester order is issued for the applicable fiscal years. Payments and loan eligibility under any contract entered into with a producer by the CCC prior to the time a sequester order has been issued shall not be reduced. It has not specifically addressed reductions in noncontractual price support programs administered through CCC, but presumably such programs would be included under the general provisions of the House language as a "controllable" expenditure.	Specifically allows producers of the same crop, but in different regions of the Country, to be treated the same, regardless of the timing of a sequestration order and the beginning of a fiscal year. The Senate language also allows the Secretary to adjust both target prices and loan rates to achieve the required uniform percentage reduction of the sequester order. The Senate language clearly addresses how contractual price support programs should be affected by a sequestration order and includes CCC administrative costs as a controllable expenditure. The House amendment is silent on these issues.
Federal Pay	Pay accounts (salaries & expenses) are sequesterable except that the rate of federal civilian pay may not be reduced under a sequester order; Pay increases may be reduced but not below zero. RIFs and furloughs are to be a last resort. Note: House omits any reference to military basic pay, therefore, it appears to be fully sequesterable.	Pay accounts (salaries & expenses) are sequesterable except that the rate of federal civilian pay and military basic pay may not be reduced under a sequester order; Pay increases may be reduced but not below zero.

SIDE-BY-SIDE COMPARISON—SENATE AND HOUSE VERSIONS OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

MAXIMUM DEFICIT AMOUNTS AND RECESSION PROVISIONS

House	Senate
FY 86 $161 billion.* FY 87 $110.2 billion.* FY 88 $57.2 billion.* FY 89 $4.2 billion.* FY 90 $0.* FY 91 $0.*	FY 86 $180 billion. FY 87 $144 billion. FY 88 $108 billion. FY 89 $72 billion. FY 90 $36 billion. FY 91 $0. Numbers not subject to change.

* These numbers are subject to change under the following formula: MDA = Deficit for preceding fiscal year (as calculated by CBO) minus 20% of FY 1985 deficit amount (except that this percentage shall be increased by 1% for each 1/10 of a percent by which GNP exceeds 3% and this percentage shall be reduced by 1% for each 1/10% by which GNP is less than 3%).

MAXIMUM DEFICIT AMOUNTS AND RECESSION PROVISIONS

House	Senate
When GNP growth falls below 1%, there shall be no maximum deficit amount; when it falls below zero, budget committees would have same power to report a resolution as in Senate version	If estimates of GNP growth in CG's report is less than one percent (Levin amendment), or Dept. of Commerce's preliminary reports indicate below zero growth for 2 consecutive quarters of fiscal year (including the two quarters immediately preceding the fiscal year), then budget committees may report resolutions suspending Gramm-Rudman.
If average rate of unemployment for 2 consecutive months is 1% above previous year, points of order against legislation breaching MDA would not be available	No such provision.

BUDGET PROCESS TIMETABLE CHANGES

House	Senate
President's Budget: 1st Monday after January 3rd.	Same.
CBO report: February 15th.	Same.
Views and Estimates: February 25.	Same.
Completion of Action on Budget Resolution: April 15th.	Same.
Authorization reporting deadline: Eliminated.	Current law: May 15th..
House Appropriations Committee reports last bill: June 10th.	Same.
Reconciliation deadline: June 15th.	Same.
House completes action on regular appropriations bill: June 30th.	Same.
In the House, not in order to consider a July adjournment of more than 3 days until appropriations work complete.	Same.

BUDGET RESOLUTION

House	Senate
To include BA, outlays, entitlement authority, direct loan obligations, primary loan guarantee commitments.	Current law: BA, outlays.
Point of order against budget resolution (301 or 304) which exceeds MDA.	Same.
Amendments which would cause MDA to be exceeded not in order.	Amendments which would cause a budget resolution deficit level—for any of the fiscal years—to be exceeded would not be in order.

COMMITTEE ALLOCATION

House	Senate
Allocations to apply to "discretionary action".	No such concept in the Senate.
Allocations can be for 1, 2, or 3 fiscal years.	Current law: only upcoming fiscal year.
Allocations of: New BA. New entitlement authority. New direct loan obligations. New primary loan guarantees outlays will not be allocated; only divided among committees for informational purposes).	Current law: Allocations of— New BA. Outlays.
Allocation enforcement: point of order to apply to 302(a) allocations.	Allocations enforcement: point of order to apply to 302(b) allocations.
No such provision.	Allocation enforcement: referral procedure exception for entitlement authority.
Same (but includes credit).	Not in order to consider a committee's spending bills until 302(b) suballocations are filed.
Same.	Committee allocations can be altered.

SECTION 303 POINT OF ORDER

House	Senate
Made applicable to new credit authority.	Same.
Re-write of subsection (b) exception language which alters operation of the exception.	No such provision.
Point of order lapses May 15.	No such provision.

RECONCILIATION

House	Senate
Does not allow reconciliation of authorizations.	Current Precedents: allow reconciliation of authorizations.
Instructions would apply to total savings for 1, 2, or 3 years.	Current Precedents: instructions apply to amounts for each of the 3 fiscal years.
House Rules Committee may make in order amendments to bring committees into compliance with instructions.	No such provision.
Not in order to consider amendments which would breach deficit level in most recent budget resolution.	Not in order in the Senate to consider amendments which would breach deficit level in most recent budget resolution.
No such provision.	In the House, reconciliation provisions must be related to the purposes of the instructions.

SECTION 311 POINT OF ORDER

House	Senate
Would cover bills providing new credit authority.	No such provision.
5 Separate Spending Ceilings:	Current law:
Total new BA.	Total new BA.
Total outlays.	Total outlays.
Total entitlement authority.	
Total direct loan obligations.	
Total primary loan guarantees.	
Fazio exemption included: committees held harmless if within allocations.	No such provision.

CHANGES TO TITLE IV OF THE BUDGET ACT

House	Senate
Section 401(b)(1) point of order eliminated.	No such provision.
2 new types of "backdoor authority" made subject to appropriations:	No such provision.
—Authority to forego collection of proprietary offsetting receipts.	
—Authority to make payments (including loans, grants, and payments from revolving funds) other than those covered by the other 4 types of spending authority.	
Point of order against new credit authority unless subject to appropriations.	No such provision.
GAO study of forms of Federal financing.	Same provision.
All programs presently off-budget brought on-budget; referral procedure to Gov't. Ops, Gov't. Affairs if attempt is made to take programs off-budget.	Off-budget programs including FFB to be included for purposes of this law.
"Member User Group" in House to review scorekeeping practices.	No such provision.

SOCIAL SECURITY

House	Senate
Reissue of obligations to social security and other retirement funds, as if debt limit increase had been enacted August 1, 1985.	No provision.
Appropriation to social security and other retirement funds lost interest as if debt limit had passed August 1, 1985.	Same provision.
OASI.	
DI.	
HI.	
SMI.	
Railroad Retirement.	
Civil Service Retirement and Disability.	
DOD Military Retirement.	
Social Security is moved off-budget and excluded from Presidential and Congressional budget.	Same provision.
Receipts and disbursements of OASDI to be included in budget totals for purposes of this law.	Same provision.

MISCELLANEOUS PROVISIONS

House	Senate
No such provision.	Report on tax collection.
No such provision.	Social Security COLA's not to count as income for purposes of determining SSI payments.
No such provision.	Presidential report by Nov. 8, 1985 on implications for DOD obligations if deficit reduction is achieved entirely by sequestering (Hart amendment).

COMMITTEE JURISDICTIONS

House	Senate
In the House, if Budget Committee reports a budget resolution with provisions which have the effect of changing House rules, then the resolution is referred to Rules which can report an amendment.	Same.
Budget Committees to "consult" with spending committees on budget resolutions.	Same.

ECONOMIC ASSUMPTIONS AND REVENUE ESTIMATES

House	Senate
Joint explanatory statement accompanying a conference report to set forth the common economic assumptions.	No similar requirement.
All revenue estimates for purposes of this law to be made by JCT, and transmitted to CBO.	Same.

CBO

House	Senate
Recommendations on appointment of Director to come from all committees, not just budget committees.	No such provision.
Similar provision.	CBO cost estimate for conference reports.

WAIVER PROVISIONS

House	Senate
3/5 duly chosen and sworn waiver in Senate for sections 305(b)(2) and 306.	3/5 duly chosen and sworn waiver in Senate for sections 301(c), 304(b)(2), 306, 310(c), and 311 of Budget Act, and sections 202(c)(1)(B), 204(c)(1)(D), and 209 of Gramm-Rudman.
3/5 duly chosen and sworn waiver in Senate for provisions of this law.	Same.
No such provision.	3/5 of members in House to waive point of order with respect to consideration of a conference report which exceeds MDA or consideration of a motion to concur in a Senate amendment which exceeds MDA.
Declaration of war: automatic waiver of point of order and presidential order.	Same.
No such provision	3/5 of members in House to waive 302(b) point of order.

PRESIDENT'S BUDGET

House	Senate
President's budget to adhere to maximum deficit amounts.	Same.
Implementing legislation to be submitted two weeks after budget.	No such provision.

REPORT TO PRESIDENT

House	Senate
To be done by CBO (in consultation with OMB).	To be done by GAO (with due regard for estimates provided by CBO and OMB in a September 15 report; FY 86–Dec. 10).
Report to President on August 20 (or 14 days after enactment for FY 86): —Determine whether deficit expected as of Aug. 15 exceeds MDA by $10 billion. —Estimate GNP growth. —Specifications of needed sequestering percentages.	Report to President on September 25 (December 15 for FY 86): —Determine whether deficit will exceed MDA by statistically significant amount. —Estimate GNP growth. —Specifications of needed sequestering percentages.
Baseline Computation: —Assume current law for revenues, entitlements and other mandatories. —Assume prior year's appropriations for discretionary expenditures unless a regular appropriation or CR passed. —Assume expirations will occur except for excise taxes dedicated to a trust fund and CCC price supports. —Assume that federal pay will be as recommended by President (but no decreases assumed). —Assume medicare spending levels to be in accord with regulations. —If appropriations and reconciliaton completed, baseline to take account of such bills.	Baseline Computation: —Assume current law for revenues and outlays. —Assume prior year's appropriations where a regular or continuing appropriation has not been enacted. —Assume expirations will occur except for excise taxes dedicated to a trust fund and CCC price supports.

Note: Revised Estimates by CBO on October 5.

PRESIDENTIAL ORDER

House	Senate
To be issued September 1(for FY 86, 14 days after report by CBO) if: MDA exceeded by $10 billion (for FY 86, if MDA exceeded by any amount)	To be issued not later than 14 days after Comptroller General's report if: Real growth is zero or greater and deficit is 5% over MDA. To be issued 30 days after Comptroller General's report if: Real growth is less than zero and Deficit is 5% over MDA.
Order to be effective as of October 1 (for FY 86, 30 days after date of issuance) automatic spending increases: President not to withhold any portion which represents an automatic increase becoming effective on October 1 and with respect to which the adjustments required by the order cannot be accomplished prior to the end of that month; reductions to be made within 15 days, but recoupment not to occur if reduction does not begin within this period.	Order to be permanent 30 days after its issuance.
Issuance of Final Order on October 1 (for FY 86, December 20) taking account of October 5 revised report)	No such provision.
Final Order to become effective on October 15 (for FY 86, 30 days after revised report)	No such provision.
FY 86 Order to be prorated as to number of months remaining in fiscal year	Same provision.
Appropriations Committees may define "program, project, and activity"	No such provision.
Sequestered funds are permanently cancelled (except for amounts sequestered in trust funds which became available at the end of the year).	BA withheld for 30 days following issuance of order; If an alternative reconciliation bill becomes law during 30 day period, BA is released to extent permitted by law; If no reconciliation bill, BA is permanently cancelled at end of 30 days.
One-half of deficit overage to be eliminated by reducing specified automatic spending increases (although not below zero); eliminates the remainder by sequestering outlays for direct spending programs, and new BA, new direct loan obligations, and obligations limitations for discretionary programs.	One-half of deficit overage to be eliminated by reducing automatic spending increases (although not below zero); other half to be eliminated by sequestering BA, obligation limitation, other budgetary resources, and loan limitation and by adjusting payments provided by the Federal Government, so as to reduce outlays from each affected program, project, or activity by a uniform percentage.
Sequester orders shall not have effect of eliminating any program, project, or activity	Same language.
No similar language	Alternative Congressional Plan: Budget Committees may report concurrent resolution which affirms presidential order and/or issues reconciliation instructions to achieve required deficit reduction—Debate in Senate: 10 hours. Committees to respond to instructions within 10 days. Budget Committees to package legislation without revision, except revisions may be made to bring committees into compliance with instructions. Reconciliation bills which would breach MDA not in order unless in a period of negative real growth.

TREATMENT OF PROGRAMS

Program	House		Senate		
	Only automatic spending increases included	Totally exempt	Only automatic spending increases included	Totally exempt	Included except for outlays from prior legal obligations
Claims, defense		X		X	
CIA retirement and disability fund	X		X		
Payments to military retirement fund		X		X	
Overseas Private Investment Corporation		X			X
Agency for International Development, housing and other credit guaranty programs		X			X
Payment of Vietnam and USS Pueblo POW claims		X		X	
Payments to foreign service retirement and disability fund		X		X	
Exchange stabilization fund		X		X	

TREATMENT OF PROGRAMS—Continued

Program	House		Senate		
	Only automatic spending increases included	Totally exempt	Only automatic spending increases included	Totally exempt	Included except for outlays from prior legal obligations
Foreign military sales trust fund		×		×	
Export-Import Bank of the United States, limitation of program activity		×			×
TVA retirement system	×		×		
Energy security reserve		×			×
Geothermal resources development fund		×			
Rural electric and telephone revolving fund		×			
Synthetic Fuels Corporation		×			
Nuclear Regulatory Commission, salaries and expenses		×			×
Agricultural credit insurance fund		×			×
Federal Crop Insurance Corporation fund		×			×
National Wool Act	×		×		
Credit union share insurance fund		×			×
Federal Deposit Insurance Corporation		×			×
Federal Savings and Loan Insurance Corporation fund		×			×
Rural housing insurance fund		×			×
Government National Mortgage Association, guarantees of mortgage-backed securities		×			×
Federal Housing Administration fund		×			×
Postal Service fund		×		×	
Federal ship financing fund, fishing vessels		×			×
Payments to copyright owners		×		×	
SBA, busniness loan and investment fund		×			×
SBA, control equipment contract guarantee revolving fund		×			×
SBA, lease guarantees revolving fund		×			×
SBA, surety bond guarantees revolving fund		×			×
International Trade Administration operations and administration		×			×
Rail service assistance		×			×
Railroad rehabilitation and improvement financing fund		×			×
Aviation insurance revolving fund		×			×
Federal ship financing fund		×			×
Longshoremen's and harbor worker's compensation benefits		×			×
Maritime Administration, war risk insurance fund		×			×
Retired pay, Coast Guard	×		×		
Community development grant loan guarantee		×			×
FEMA, national insurance development fund		×			
Economic development revolving fund		×			×
Indian loan guaranty and insurance fund		×			×
Rural development insurance fund		×			×
FEMA, national flood insurance fund		×			×
Community health centers		×			
Migrant health		×			
Retirement pay and medical benefits, PHS	×		×		
Health education loans		×			
Health professions graduate student loan insurance fund		×			
Medicare payments for clinical diagnostic laboratory tests to which section 1833(h) of the Social Security Act applies			×		
Payments to health care trust funds		×		×	
Black lung disability trust fund	×		×		
Federal payment to the railroad retirement account		×		×	
Pension Benefit Guaranty Corporation fund		×			×
Rail industry pension fund	×		×		
Railroad Social Security equivalent benefits account		×		×	
Special benefits for disabled coal miners	×		×		
Civil service retirement and disability fund	×		×		
Foreign Service retirement and disability fund	×		×		
Judicial survivors' annuities fund	×		×		
Military retirement fund	×		×		
Special benefits, Federal Employees' Compensation Act	×		×		
Tax Court judges survivors annuity fund	×		×		
Office of Personnel Management, employees life insurance fund		×			×
Regular state unemployment benefits, the state-funded share of extended umemployment benefits, and loans to states from the federal unemployment account		×		×	
Low-rent public housing, loans and other expenses		×			×
Child nutrition programs		×	×		
Food stamp progam		×	×		
Special milk		×			
Women, infants, and children programs		×			
Aid to families with dependent children (AFDC)		×			
Payment where credit exceeds liability for tax (EITC)				×	
Supplemental security income		×	×		
Service-disabled veterans insurance fund		×			×
VA national service life insurance fund		×			×
VA U.S. government life insurance fund		×			×
VA servicemen's group life insurance fund		×			×
Veterans compensation		×	×		
Veterans pensions		×	×		
Veterans insurance and indemnities		×			×
Veterans reopened insurance fund		×			×
Veterans special life insurance fund		×			×
VA loan guaranty revolving fund		×			×
Soldiers and Airmen's Home, payment of claims		×		×	
Salaries of judges, not including any portion of which would result from increases in compensation above the levels in effect immediately prior to the effective date of this section		×		×	
Claims, judgments, and relief acts		×		×	
Compensation of the President		×		×	
Comptrollers General retirement system	×		×		
Eastern Indian land claims settlement fund		×		×	
Federal Reserve Board employees retirement system	×		×		
Allowances and office staff for former Presidents	×		×		
Check forgery insurance fund		×			×
Coinage profit fund		×		×	
Payments to Social Security trust funds		×		×	
Payments to civil service retirement fund		×		×	
Payments to State and local government fiscal assistance trust fund		×		×	
Non-federal funds appropriated for the District of Columbia		×		×	
Net interest (function 900)		×		×	
Bureau of Indian Affairs miscellaneous trust funds, tribal funds		×		×	
TVA power program borrowing authority		×		×	
TVA—Seven States Energy Corporation		×		×	
Expenditures from the Bonneville Power Administration fund and borrowing authority established pursuant to section 13 of PL 93-454 (1974), as amended		×		×	
Outlays which result from private donations, bequests, or voluntary contributions		×		×	
Outlays from intragovernmental funds to the extent that such outlays are derived from other federal government accounts		×		×	
Offsetting receipts		×		×	

TREATMENT OF PROGRAMS—Continued

Program	House		Senate		
	Only automatic spending increases included	Totally exempt	Only automatic spending increases included	Totally exempt	Included except for outlays from prior legal obligations
Offsetting collections		×		×	
Outlays due to increases in the number of program participants		×		×	

SPECIAL PROVISIONS

Programs	House	Senate
Federal Pay	Federal pay under a staatutory pay system (within the meaning of section 5301(c) of title 5 shall be treated as constituting a controllable expenditure and shall be subject to reduction under the order in the same manner as other administrative expense components of the Federal budget; except that no such order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any such statutory pay system. Program managers should implement methods of realizing the savings requaired under a sequestration order other than furloughing personnel, which should only be implemented if the other methods are insufficient..	Federal pay under statutory pay systems (within the meaning of section 5301(c) of title 5, United States Code) and military pay (as defined in section 101(3) of title 37, United States Code) shall be treated as controllable expenditures and shall be subject to the uniform percentage reduction under the order; except that (i) no such order may reduce the rate of civilian pay or military basic pay to which any individual is entitled on the effective date of the order and (ii) any increase in rates of civilian pay or rates of military basic pay which is scheduled to take effect may be reduced under such order only by the uniform percentage reduction.
Mineworkerss Benefits	Black lung and coalminers benefit increases are treated the same as other automatically indexed programs..	Same, except for technical differences.
Foster Care, Adoption Assistance Programs, and AFDC	Increases in foster care or adoption assistance payment rates (or both) are subject to sequestration by reducing federal matching payments.. AFDC is exempted.	Expenditures for AFDC, foster care maintenance payments, adoption assistance payments, and administrative expenses, are sequesterable. No State may change the fiscal year in which expenditures for these programs are made.
Outlays for Prior Year Obligations	Exempted	Excluded except for outlays from contracts already signed but which may be reduced or terminated without a net loss to the government or without violating legal obligations of the government.
Unemployment Compensation	Regular state unemployment benefits and loans to the State and Federal unemployment accounts are exempt from sequestration. Federal benefits and administrative expenses are subject to sequestration..	Same, except for technical differences.
Guaranteed Student Loans	Allows reductions only in loans made after a sequester order is issued. GSLs entered into prior to a sequester order would not be affected..	Same as House.
	Limits sequestration reductions to two options, with reductions coming equally from both:. —the special allowance for lenders could be reduced up to 0.40 percentage points, but not below 3.00 percentage points, in the year of the sequester order. —a student's origination fee could be increased by up to 0.50 percentage points	Describes same two options as the House, but does not limit savings to these two options.
Child Support Enforcement	Federal matching rates for State costs are sequesterable.	Same.
Department of Defense—Military	Requires proportional sequestration of all programs, projects, and activities whether or not they are identified in a committee report or bill..	The Senate bill would sequester outlays from budgetary resources which include new BA, unobligated balances and outlays from existing contracts which pass the "net loss" test.
	The House bill sequesters only new BA, excluding unobligated balances and all outlays from prior year actions. It requires the sequestration to yield outlay savings in the same proportion that total outlays (as compared to controllable outlays) exist in the defense function. This greatly increases the BA reduction in the slow spending accounts. For example, the House language would require approximately double the budgetary resources than the Senate language for the same sequester..	General sequestering language would sequester at the lowest level of detail identified in the most recently enacted relevant appropriation Acts and reports.
CCC Loans	This title shall not restrict the Commodity Credit Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, to use the proceeds as a revolving fund to meet other obligations and otherwise operate as a corporation, the purpose for which it was created. Payments and loan eligibility under any contract entered into with a producer by the Commodity Credit Corporation prior to the time a sequestration order has been issued shall not be reduced by a sequestration order subsequently issued, but any contract entered into after a sequestration order has been for the applicable fiscal year, by which the Commodity Credit Corporation and entities providing Federal guarantees for student loans shall agree to make payments out of an entitlement account to any person, lender, or guarantee entity, shall be deemed to be controllable expenditures and shall be subject to reduction under the Presidential order: Provided, That the reduction in the level of commodity price support programs, supported through the Commodity Credit Corporation, shall not exceed a uniform percentage of reduction specified for those programs in the order..	(i) Reduction in payments made under contracts.—After an order, any payment made by the Commodity Credit Corporation— (I) under the terms of any contract entered into in such fiscal year; and (II) out of an entitlement account, to any person (including a producer, lender, or guarantee entity) shall be deemed to be a controllable expenditure and shall be subject to reduction under the order. Any contract entered into in a fiscal year after an order has been issued under subparagraph (A) for such fiscal year shall provide explicitly for such reduction to be made for the entire period for which such contract is in effect and that in regard to commodity loans made to producers or producer cooperative for a commodity produced in the same crop year, those loans for the same commodity shall be subject to the same terms and conditions.
		(ii) Reduction in noncontractual price support programs.—Price support provided for an agricultural commodity through the Commodity Credit Corporation by a method other than a payment of the type described in clause (i) shall be deemed to be a controllable expenditure, and such level of price support for the fiscal year for which an order is issued under this subsection shall be subject to reduction under the order. (iii) Adjustments to achieve reductions.—In order to reduce expenditures for programs of the Commodity Credit Corporation as required under the Presidential order, the Secretary of Agriculture is authorized to adjust both target prices and loan rates in such manner as to achieve the required percentage reduction of such order. (iv) Operating and administrative expenses.—Operating and administrative expenses of the Commodity Credit Corporation shall be considered controllable expenditures and shall be subject to reduction under the order. (v) Uniform percentage rate of reduction.—All reductions described in clauses (i), (ii), (iii), and (iv) required to be made in connection with an order issued under subparagraph (A) for a fiscal year shall be made at a rate exceeding the rate of reduction specified in the order for the programs to which such subsections apply.
Medicare	The only provisions which are to be considered automatic spending increases are: (A) The provision of section 1886(b)(3)(B), 1886(d)(3)(A), and 1886(e)(4) of such title (relating to increases in payment amounts for inpatient hospital services), to the extent that regulations issued pursuant to those provisions permit any percentage increase. (B) The provisions of section 1842(b) of such title relating to payment for physicians' services, to the extent they permit an annual increase in the medical economic index (referred to in the fourth sentence of such section).	Considered controllable: Reductions shall apply to payments under title XVIII of the Social Security Act so as to reduce all payments under such title for items or services furnished during the period of the order by the specified uniform percentage reduction. The President may not, pursuant to any authority granted in this section, increase any deductible, coinsurance amount, or premium amount under such title. Does not apply to payments for clinical diagnostic laboratory tests.
Social Security and Medicare Administrative Expenses	Exempt	Administrative expenses for social security and medicare are sequesterable like other controllable expenditures.
Medicaid	The only provisions of such title which are considered to require an automatic spending increase are the provisions of sections 1902(a)(13)(A) and 1903(a)(1) of such title, and only to the extent that an increase in Federal payments to a State would otherwise occur under section 1903(a)(1) of such title as a result of an increase in payment rates established by a State with respect to the rate established for the previous fiscal year for inpatient hospital services or as a result of an increase in an index used by the State which applies to the rate of increase in payment for physicians' services over the previous fiscal year..	Reductions shall apply to payments under title XIX of the Social Security Act so as to reduce all payments to States under such title for State expenditures for medical assistance furnished, and administrative expenses incurred, during the period of the order by the uniform percentage reduction specified in the order as it applies to all other controllable expenditures.

JUDICIAL REVIEW; SEVERABILITY

House	Senate
If after all appeals are exhausted, a provision is found to be unconstitutional, then all provisions of this law automatically expire and all spending shall exist as if this law had not operated.	If any provision of this title is held invalid, the remainder of such provisions shall not be affected.
At any time within 60 days after this law takes effect, any member of Congress may sue for an injunction to suspend a presidential order on the grounds that the CBO reporting provision is unconstitutional.	Any member of Congress may sue for an injunction or declaratory order on the constitutionality of this law.
Any member of Congress may sue on grounds that the President has not complied with this law.	Same.
No single Supreme Court Justice may enjoin a presidential order.	Same.
No such provision.	If the President does not issue a sequester order as required by this law, on a claim of constitutional powers, if a court upholds such a claim as valid, then the entire presidential order at issue shall lapse.
Not such provision.	If the reporting procedure by the Comptroller General is held unconstitutional, then the OMB/CBO report shall be transmitted to a Temporary Joint Committee on Deficit Reduction composed of the members of the Budget Committees; Joint Committee shall report a joint resolution which could then trigger sequestering if enacted.

EFFECTIVE DATE

House	Senate
Changes to congressional budget process effective immediately and permanently; however, all the provisions relating to maximum deficit amounts would, in effect, lapse since there is no MDA for fiscal years beyond FY 91.	Changes to budget process expire at end of FY 91.
Emergency presidential powers apply only with reference to fiscal years 86–91.	Same.
Provisions with reference to transfers between the general fund and OASDI trust funds are permanent.	Same.

GENERAL LEAVE

Mr. MACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my motion, and that I may include extraneous materials with my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MACK. Mr. Speaker, I yield 3 minutes to the gentleman from Wyoming [Mr. CHENEY] to close debate for our side.

Mr. CHENEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think we have all grown tired of the debate. My constituents are tired of the debate, and I think the American people are tired of the debate.

The charges have been made here today that somehow this package is unknown to the Congress. The fact is that it was laid before the conference on October 31 and printed in the RECORD last week. It has received far more study than the package that the Democrats passed overwhelmingly last week and which showed up on the floor only at the moment of the vote.

With respect to the fairness charge, it is clearly not fair to cut the budget if we are going to exempt 71 percent of the programs from those cuts. We talk about hitting the budget in 1986, and it is clear that the package that is before us today, as passed by the Senate, does indeed begin the cuts in 1986. So we have heard a lot of phony arguments offered today.

Mr. Speaker, what I want to speak about is failure. I want to talk about the failure of this institution and the other body and the President of the United States to come to grips with what clearly is the most serious public-policy problem of the year.

□ 1840

I think it is important, and I would like to stress with my colleagues on the other side of the aisle, if I might, that we really would like to work out a bipartisan plan that has decent prospects to work and we think we have done it; that the program that is before us incorporates many of the proposals, worthy proposals that were developed in the conference just last week.

We have tried to allay the concerns about fairness by excluding Social Security. We have wrestled with the constitutional questions. We have included GAO.

I am personally convinced, based upon the work that the American Law Division has done at the Library of Congress, that this is indeed a constitutional package.

We have added extensive limits on Presidential power and authority to make it clear that this is not a surreptitious effort to transfer authority to the President of the United States.

The bottom line, Mr. Speaker, is that this bill puts the wood to the President and to the Congress; it will force both institutions to respond and make some of those difficult choices that so far for a long time we have been able to avoid.

Always in the past we have come to the table and had Congress take Social Security off of the table. We have had the President take defense off of the table. We have had taxes taken off the table. We have had the Democrats in the House take off many of the domestic programs. So that when we got through, the only thing that was negotiable was the deficit.

What this bill would do, Mr. Speaker, is make it clear that we no longer have the option, be it the Congress or the President, of financing continued increases in programs by running up the deficit.

Please, I would ask my colleagues, after a lot of deliberation and serious effort, support what is a sincere effort on the part of the Republicans, a bipartisan effort on the part of the Senate, to produce a meaningful bipartisan program that will make it possible for us to carry out our foremost responsibility, to manage the fiscal affairs of the Nation in a responsible manner.

The SPEAKER. All time has expired.

Without objection, the previous question is ordered on the preferential motion.

There was no objection.

The SPEAKER. The question is on the preferential motion offered by the gentleman from Florida [Mr. MACK].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. MACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 177, nays 248, not voting 9, as follows:

[Roll No. 396]

YEAS—177

Archer	Coble	Gallo
Armey	Coleman (MO)	Gekas
Badham	Combest	Gingrich
Bartlett	Coughlin	Goodling
Barton	Courter	Gradison
Bateman	Craig	Green
Bentley	Crane	Gregg
Bereuter	Daub	Grotberg
Bilirakis	Davis	Gunderson
Billey	DeLay	Hammerschmidt
Boehlert	DeWine	Hansen
Boulter	Dickinson	Hartnett
Broomfield	DioGuardi	Hendon
Brown (CO)	Dornan (CA)	Henry
Broyhill	Dreier	Hiler
Burton (IN)	Duncan	Hillis
Callahan	Eckert (NY)	Hopkins
Campbell	Edwards (OK)	Horton
Carney	Emerson	Hunter
Chandler	Fawell	Hyde
Chappie	Fiedler	Ireland
Cheney	Fields	Johnson
Clinger	Fish	Kasich
Coats	Franklin	Kemp
Cobey	Frenzel	Kindness

Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
McKinney
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Monson
Moore
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Rudd
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slaughter
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solomon
Spence
Stangeland
Strang
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NAYS—248

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carper
Carr
Chapman
Chappell
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coyne
Crockett
Daniel
Darden
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hall, Ralph
Hamilton
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Holt
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Long
Lowry (WA)
Luken
Lundine
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Reid
Richardson
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)

NOT VOTING—9

Addabbo
Clay
Conyers
Dannemeyer
Evans (IA)
Fowler
Fuqua
Loeffler
Nelson

□ 1855

The Clerk announced the following pairs:

On this vote:

Mr. Loeffler for, with Mr. Nelson of Florida against.

Mr. Dannemeyer for, with Mr. Fuqua against.

Mr. RALPH M. HALL changed his vote from "yea" to "nay."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 372

Mr. GEPHARDT. Mr. Speaker, I move to take from the Speaker's table the joint resolution (H.J. Res. 372) increasing the statutory limit on the public debt, with the Senate amendments to the House amendments to the Senate amendments Nos. 1 and 2, disagree to the Senate amendments and request a further conference with the Senate thereon.

The Clerk read the title of the joint resolution.

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes and the gentleman from Mississippi [Mr. LOTT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it appears clear to me, in view of the vote taken on the other body's version of this legislation, that we need a further conference on this matter.

Twice this House has now expressed itself on this matter. I sincerely hope that the other body will now come to this conference with a new spirit of compromise on Gramm-Rudman.

We cannot afford any longer to play chicken with the fiscal solvency and integrity of this Government.

Mr. Speaker, I urge Members to vote for the motion to go to conference.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be brief on this particular motion because I know the Members know what the issues are, and I will have a motion to instruct conferees, but what I would like to do is to address a question to the gentleman from Missouri.

The gentleman from Missouri has made the point that we should go back to conference now and work together to see if we can resolve differences that still exist, but I made the point earlier that I am very much concerned about our ability to get together, meeting in Kennedy Stadium. We had earlier 48 House conferees. I hear a rumor that that number is going to be increased.

Could the gentleman give us any information about the limits on the size of the conference, and does he recognize—I am sure he recognizes—that it is going to be very difficult to work out a responsible agreement in this difficult area if we are trying to deal with 65 people.

Can the gentleman please inform us as to what the situation is and respond to that?

Mr. GEPHARDT. If the gentleman will yield, I cannot say to the gentleman exactly how many or who will be appointed as conferees. The Speaker must make that judgment.

It would be my suspicion that the same conferees who were appointed before will be appointed again, but again, that is the Speaker's judgment.

With that number, which was a large number, we were able to break into task forces. We were able to reach a lot of agreements on, I would say, two-thirds of the matters at issue. There is no reason that same pattern could not be followed again and that we could reach agreement on the five or six issues that remain.

I do not think the number created our problem. I think our problem was created by the Senate's unwillingness to have hard negotiations about the five or six issues that remained in contention. I do not think that lack of willingness is going to be there. I think this time they are going to negotiate and I do not see the number of conferees as being a barrier to our coming to a resolution of this issue.

Mr. LOTT. I heard the gentleman's comments earlier, I believe, or perhaps someone else's, about the Senate's unwillingness to negotiate. It was very evident to this Member of the conference that really was attended was a series of amendments that were intended to show political positions and intended to try to embarrass Members

and were not really intended to come to some conclusions. But that is history.

I am worried about how we get together and work this thing out at this point. I just want the Members to know that, as a matter of fact, there are going to be, as I understand it, 53 House conferees. I hope that at some point a representative group of a half-dozen or nine of our colleagues representing both sides can get together and bring this thing to a conclusion next week before the debt ceiling expires and the Government does shut down. I am willing to work toward finding that conclusion.

Mr. GEPHARDT. This side is more than willing to do that, and I would suggest that we can find ways and procedures to reach an agreement.

Mr. LOTT. Mr. Speaker, I yield back the balance of my time.

□ 1905

MOTION TO INSTRUCT OFFERED BY MR. LOTT

Mr. LOTT. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. LOTT moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on House Joint Resolution 372, be instructed to agree to provisions that will include a schedule of reductions in the deficit in fixed amounts that will lead to a balanced budget by 1991; and that the conferees be further instructed not to agree to section 275 (nonseverability) in the amendment of the House.

The SPEAKER. The gentleman from Mississippi [Mr. LOTT] is recognized for 1 hour.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not think it would be necessary to take the full hour to debate this motion to instruct, but I would like for my colleagues to make sure they understand what is in this motion to instruct.

Mr. Speaker, the motion to instruct conferees does two things. No. 1, it instructs the conference to agree to provisions that will include a schedule of reductions in the deficit in fixed amounts that will lead to a balanced budget by 1991. It does not say how it will begin. It does not say how much must be included in each year. It just says there must be a scheduled amount fixed each year that would get us to a balanced budget by 1991.

Now I want to be honest with you; this does conflict somewhat with the language that the gentleman from Wisconsin [Mr. OBEY] included in the House version. I think his version allowed for some fluctuation, and there is some question about whether or not it would ever get us to a balanced budget, particularly in 1991.

So it is a fixed scheduled reduction to a balanced budget by 1991.

Mr. HUCKABY. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I will be glad to yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Speaker, I thank the gentleman for yielding.

In the Senate version that was first sent to us, the trigger provision for recessions was in there. Is the gentleman suggesting that we back away from that by his fixed amount per year?

Mr. LOTT. No. I think that, I would hope that we would go with that fixed amount that we have. After the trigger is imposed that we would go with the fixed amount that is in the other body's version. But this instruction does not mandate that. It just says at least come back with some systematic, fixed amount in each year that would get us to a balanced budget.

What I am trying to get us to do is to make sure that we do not use floating targets or GNP considerations or other things that might lead us to not having a balanced budget in 1991.

Mr. HUCKABY. If the gentleman will yield further, the point is then you are saying let us go away from GNP with your instructions? In other words, if they have a one-tenth of 1 percent growth, we could cut the same amount as if they have a 3-percent growth in GNP; is that correct?

Mr. LOTT. The fixed amount could vary, but the answer to your direct question, I think, would be yes.

Mr. HUCKABY. I thank the gentleman.

Mr. GRAY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Speaker, I would like to ask the gentleman from Mississippi, does your proposal call for 1991, did you say, or 1990?

Mr. LOTT. The proposal calls for 1991.

Mr. GRAY of Pennsylvania. So, therefore, you would call for a fixed target that would reach a balance by 1991 as opposed to what was passed here in the House last week which did it in 1990; is that correct?

Mr. LOTT. It is not opposed to anything. It just specifies that we are going to have a fixed schedule that would get us there by at least 1991.

Mr. GRAY of Pennsylvania. I thank the gentleman.

Mr. LOTT. The second point is it would instruct the conferees further not to agree to section 275. That is the nonseverability clause in the House amendment.

I made this comment last Friday. I am very much worried that there have been expressions of concern on both sides about the constitutional question, and one of the specific points that was raised during the debate in the Conference Committee was about the involvement of CBO and the possibility of the unconstitutionality of the Congressional Budget Office involvement. And yet we set it up in such a way that we say, OK, CBO may be unconstitutional, and then we add to that, if you go through this expedited procedure and go to the courts, and the CBO involvement is held to be unconstitutional, then the whole process collapses.

I think that that nonseverability clause really just tries to find a way to have this thing declared unconstitutional, even though it would be applicable only to one small point.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I will be glad to yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding. If we could go back just quickly to the first instruction vis-a-vis a fixed schedule for a reduction to zero in 1991, does the gentleman's instruction preclude any recession sensitivity?

I noticed the other body and this body both passed a version of Gramm-Rudman that were both recession sensitive, one better than another. But what does the gentleman's instruction do to that?

Mr. LOTT. It does not preclude anything. That sensitivity to recession would still be considered under the provisions of the bill. But there must be some set formula that begin to agree on, or we agree on in the beginning that would lead us to that point of a balanced budget.

If the situation changes, the law that we are working on would apply, and it could be waived by action of the Congress.

Mr. ROEMER. If the gentleman will yield further, the gentleman would agree that if the economy were, in fact, showing negative growth, that we would not want to take a $35 billion or $40 billion reduction in spending on top of that negative growth? I just want to make sure from you that your instructions do not guarantee that we run counter to good common economic sense.

Mr. LOTT. The gentleman is correct.

I might also say it does not preclude the possibility of getting to a balanced budget earlier. If the economy should be good and we could do it by some other means than what we have now realized, we could maybe do it by 1990, and I think we should have that possibility.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from California.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding.

One of the reasons for the long severability question was because of our concern that in the Senate version, there is a combination of CBO and OMB. If you allow severability and the

CBO role is found to be unconstitutional, then it leaves it up to the OMB, and it, in essence, turns our power entirely over to the President and his agency. That is the issue that was at stake in terms of why we built nonseverability in, and I just wonder if the gentleman does not want to retain at least our option to consider that, at least with regard to the trigger mechanism?

Mr. LOTT. We could still perhaps develop a different nonseverability clause, although I would be opposed to that.

But what this says is not the nonseverability clause that is in the House-passed version, in the House amendment.

Let me read you, though, "during the Conference Committee's deliberations, the argument was made repeatedly about the constitutional question. In result, the Senate offer that was passed involved in their process the Comptroller General. The current Senate provision provides for expedited judicial review."

They have that expedited judicial review procedure, with a severability clause.

And, "In the event that the CBO, OMB, GAO triggering mechanism is found unconstitutional, the Senate version has a fallback position, a clearly constitutional, expedited joint resolution process."

So they even built into their package that we are going to be considering further this option that if it should be held unconstitutional, there would be this backup provision.

Mr. PANETTA. If the gentleman would just yield briefly for this comment, we have to go to conference, we have to work out a lot of problems with regard to the constitutional issue and severability. I would just hope the gentleman would not tie our hands by eliminating the nonseverability question from consideration of the conference.

Mr. LOTT. I deliberated over these particular instructions very carefully. I felt these were two very important features and that the House should speak on those particular points, that we want to go to a balanced budget, and not let it just drag out indefinitely; and second, that we do not want the whole process that we have labored on so hard now to collapse because one provision is held to be unconstitutional. And that one provision might not be one that would cause the whole process to collapse.

Mr. SYNAR. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Oklahoma.

Mr. SYNAR. I thank the gentleman from Mississippi for yielding. We are having some confusion on this side trying to determine what you are striking. When this bill left the House, there were two provisions on nonseverability. There was one provision on nonseverability as it applied to the entire bill, and then there was specific language with respect to severability and nonseverability with respect to the issue of CBO. Would the gentleman please inform this side which one you are striking?

Mr. LOTT. This is the specific provision that relates to CBO.

Mr. SYNAR. In other words, your instruction only applies to the portion with respect to CBO?

Mr. LOTT. That is correct.

Mr. SYNAR. Leaving the other section of the bill which says that if any portion of the entire bill is found unconstitutional, then it would be nonseverable. So you have chosen to eliminate the narrow nonseverability while leaving the whole bill very severable?

Mr. LOTT. Let me answer that clearly.

The section 275 nonseverability, if after all appelate review is exhausted a court of competent jurisdiction finds any provision of the act violates the Constitution or is otherwise invalid, then the provision of this title shall immediately expire.

So it does speak to the nonseverability question for any provision of the bill. That is section 275.

Mr. SYNAR. I thank the gentleman.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT] for purposes of debate only.

Mr. GEPHARDT. Mr. Speaker, I would simply urge Members to vote against this motion for two reasons.

First, the motion instructs our conferees to devise a balanced budget plan that reaches a balanced budget by 1991. The House position, as established last Friday, and again confirmed with the vote of 249 Members today, is that we want to try to balance the budget by 1990 and not 1991. And if we are instructing our conferees to go to conference to change that date, it simply means that you will arrive at a balanced budget a year later than you would if we stick by the House position.

Second, I think it is very important that we keep this severability, nonseverability question alive. The reason I say that, we have had an experience recently with the Federal Elections Act where the court found one provision was unconstitutional, took it out, and left everything else in. If you wind up with the suggestion of the Senate that you have OMB and CBO, it is likely they will find the CBO participation is the unconstitutional part of the law. That means you will wind up with OMB.

That means you transfer the power to the President, something I do not think we want to do.

Second, if we retain our provision which is that the CBO should be the sole determinant of both the trigger and the sequestration order, if the court finds that unconstitutional, there is nothing left. Then the court has to make something out of whole cloth or leave that section out.

If you leave that section out, you have no one to determine if the trigger has been pulled, you have no one to write the sequestration order and, in fact, the whole act is probably unconstitutional.

□ 1920

The point of the matter is simply this: We have this provision in our proposal. We are going to conference. As the gentleman has suggested, there may be alternative ways to deal with this question. Why tie the conferees' hands? Why say that it is 1991? Why say that we cannot keep this severability clause?

Leave it the way it is. Allow us the opportunity to go back to conference. We can arrive at compromise on all of these issues, and we are determined to come back with the proposal that can find bipartisan support on both sides of the aisle and in both bodies.

I urge Members to vote against the motion.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KINDNESS], for purposes of debate only.

Mr. KINDNESS. I thank the gentleman for yielding and again, I think we have a little problem with understanding what is likely to be on the table for consideration, but with respect to nonseverability, we have a test of good faith before us.

A test of good faith in this respect: The House provision included nonseverability language that even has a severability clause in it. The last part of the House's nonseverability clause says that the provisions of this section shall operate notwithstanding any other provision of this title.

That is an egg within a hand within an egg.

Our problem, Mr. Speaker, is that the House version of the severability question is triggered so as to defeat the Gramm-Rudman proposal in this form or whatever form it comes in.

I think we have a test of good faith to the American public to say yes, we abandon the concept that we are going to try to self-destruct this matter. Let us give it a chance to be worked out in conference.

My colleagues on the other side of the aisle have prevailed; we are going to conference. That can be a constructive process, but if we go in to conference with the notion that we are going to build a product that is faulted and depend upon that little part of the process to throw everything else out, then we have shown bad faith to the American people. It will show just as

clearly as the nose on your face, this language in the House's nonseverability provision is designed for failure.

We ought to not only abandon it, but reject it out of hand; it does not operate as the gentleman from Missouri [Mr. GEPHARDT] has described, depending upon what provisions are decided upon by the conferees with respect to CBO, OMB, and General Accounting Office Participation.

We can construct a perfectly constitutional system and it does not require a self-destruct mechanism. I would certainly urge the adoption of the motion to instruct and to tell the American people by so doing that we are going to proceed in good faith and not take a phony approach to this conference.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. FOLEY], for purposes of debate only.

Mr. FOLEY. Mr. Speaker, last time a motion to instruct the conferees came forward on the appointment of conferees on this issue, we found it possible on both sides of the aisle to agree to it.

I wish that the first part of this motion had been repeated, because I think the result would have been the same.

One of the issues that we intend to discuss in the conference is the issue of constitutionality; and we are going to discuss it and the issue of nonseverability and the CBO seriously and with an intention to reach agreement, but the addition of last week's instruction by this instruction is I think an unnecessary and not a helpful addition to the instruction.

So I would ask all Members who might respond to this plea to vote against the motion to instruct and to get on with the conference and to resolve this issue.

Let us vote "no" and get moving.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, the issue before us is one of constitutionality, and everybody knows that there are some problems; I have my doubts, you have yours, some of you have no doubts whatsoever.

If you have no doubts about the constitutionality, do not worry about the nonseverability clause, because it will never be found unconstitutional, and no part of it will fall. So if you believe what you say about Gramm-Rudman, that it is constitutional, pristine-pure, clean like Ivory soap, to not worry about severability.

If, however, you are like me and have some doubts, then if the unconstitutionality goes to the heart of the program, like the participation of the CBO in the triggering mechanism, you might want to say that if that does not work, then we ought to strike the whole thing.

Now I tell you, candidly, we have worked with the Senators and we are willing to work on it in the conference as we did. There are three options, basically: Do not say anything, and that means the courts could decide as to whether they wanted to make it nonseverable or not.

Or you could specify that it was severable, as the Senate wants to do;

Or you could specify that it is nonseverable, as we would like to do.

There is a fourth alternative: We could specify that it was nonseverable as far as certain provisions like the CBO and the triggering provisions, the heart of the operation, are concerned. If you believe it is constitutional, then worry not; but if you are like me and you have some doubts about it, you would want to protect the American public from the continuation of the program even when the heart of it was unconstitutional and it has been so determined by legitimate courts.

I will just say that I think you ought to leave it up to the conferees; we are as openminded as anybody you can find. Those are the alternatives, I hope you will leave it to the conferees.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume. Before I move the previous question, I just make these final points.

We may think that this just is some legal argument on nonseverability that lawyers enjoy, or maybe it is something that only those inside the beltway and the Washington media understand, but let us make it very clear: This could collapse the whole process. This is a question of whether or not you want to destroy this whole process to move to a balanced budget or not.

The main issue on constitutionality is whether we abandon the entire deficit reduction process, if any piece is held invalid, as the House version would do; or whether we retain the deficit reduction process with a constitutional fallback provision, as the Senate version would do.

This is to determine whether or not we want to destroy this process before we ever even get off the ground. I move the previous question.

The SPEAKER. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER. The question is on the motion to instruct offered by the gentleman from Mississippi [Mr. LOTT].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. LOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 181, nays 239, not voting 14 as follows:

[Roll No. 397]

YEAS—181

Archer
Armey
Badham
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Callahan
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Daub
Davis
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Eckert (NY)
Edwards (OK)
Emerson
Evans (IA)
Fawell
Fiedler
Fields
Fish
Franklin
Frenzel
Gallo
Gekas
Gingrich
Goodling
Gradison
Green
Gregg
Grotberg
Gunderson
Hammerschmidt
Hansen
Hartnett
Hendon
Henry
Hiler
Hillis
Holt
Hopkins
Hunter
Ireland
Jacobs
Jeffords
Johnson
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
McKinney
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Monson
Moore
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Rudd
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slaughter
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solomon
Spence
Stangeland
Strang
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NAYS—239

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carper
Carr
Chapman
Chappell
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coyne
Crockett
Daniel
Darden
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson

Gephardt	Matsui	Schumer
Gibbons	Mavroules	Seiberling
Gilman	Mazzoli	Sharp
Glickman	McCloskey	Shelby
Gonzalez	McCurdy	Sikorski
Gordon	McHugh	Sisisky
Gray (IL)	Mica	Skelton
Gray (PA)	Mikulski	Slattery
Guarini	Miller (CA)	Smith (FL)
Hall, Ralph	Mineta	Smith (IA)
Hamilton	Mitchell	Solarz
Hatcher	Moakley	Spratt
Hawkins	Mollohan	St Germain
Hayes	Montgomery	Staggers
Hefner	Moody	Stallings
Hertel	Morrison (CT)	Stark
Horton	Mrazek	Stenholm
Howard	Murphy	Stokes
Hoyer	Murtha	Studds
Hubbard	Natcher	Swift
Huckaby	Neal	Synar
Hughes	Nichols	Tallon
Hutto	Nowak	Thomas (GA)
Jenkins	Oakar	Torres
Jones (NC)	Oberstar	Torricelli
Jones (OK)	Obey	Towns
Jones (TN)	Olin	Traficant
Kanjorski	Ortiz	Traxler
Kaptur	Owens	Udall
Kastenmeier	Panetta	Valentine
Kennelly	Pease	Vento
Kildee	Penny	Visclosky
Kleczka	Pepper	Volkmer
Kolter	Perkins	Walgren
Kostmayer	Pickle	Watkins
LaFalce	Price	Waxman
Lantos	Rahall	Weaver
Leath (TX)	Rangel	Weiss
Lehman (CA)	Reid	Wheat
Lehman (FL)	Richardson	Whitley
Leland	Robinson	Whitten
Levin (MI)	Rodino	Williams
Levine (CA)	Roe	Wilson
Lipinski	Rose	Wirth
Lloyd	Rostenkowski	Wise
Long	Rowland (GA)	Wolpe
Lowry (WA)	Roybal	Wright
Luken	Russo	Wyden
MacKay	Sabo	Yates
Manton	Savage	Yatron
Markey	Scheuer	Young (MO)
Martinez	Schroeder	

NOT VOTING—14

Addabbo	Fowler	Loeffler
Boggs	Fuqua	Lundine
Clay	Hall (OH)	Nelson
Conyers	Heftel	Whitehurst
Dannemeyer	Hyde	

□ 1945

The Clerk announced the following pairs:

On this vote:

Mr. Loeffler for, with Mr. Nelson of Florida against.

Mr. Dannemeyer for, with Mr. Fuqua against.

Mr. Hyde for, with Mr. Conyers against.

Mrs. COLLINS changed her vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Ways and Means, Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, JONES of Oklahoma, JENKINS, GEPHARDT, RUSSO, DUNCAN, ARCHER, VANDER JAGT, CRANE, and FRENZEL; from the Committee on Appropriations, Messrs. WHITTEN, BOLAND, NATCHER, SMITH of Iowa, PURSELL, and LOEFFLER; from the Committee on Rules, Messrs. PEPPER, MOAKLEY, DERRICK, BEILENSON, FROST, LATTA, and LOTT; from the Committee on Government Operations, Messrs. BROOKS, FUQUA, WAXMAN, SYNAR, HORTON, and KINDNESS; from the Committee on the Budget, Messrs. GRAY of Pennsylvania, DOWNEY of New York, MILLER of California, LEATH of Texas, KEMP, and GRADISON.

And the following additional conferees: Messrs. FOLEY, FORD of Michigan, OBEY, ASPIN, and MINETA, Ms. OAKAR, Messrs. PANETTA, FAZIO, MICHEL, DICKINSON, CHENEY, and LEWIS of California, Mrs. MARTIN of Illinois, and Mr. MACK.

There was no objection.

NATIONAL BLOOD PRESSURE AWARENESS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 130) designating the week beginning on November 10, 1985, as "National Blood Pressure Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservaiton of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 130

Whereas diseases resulting from hypertension cause needless mortality and morbidity which can be reduced if hypertension is discovered through blood pressure screening;

Whereas sixty million Americans are hypertensive;

Whereas hypertension is a major factor in five hundred thousand strokes and one hundred and seventy-five thousand stroke-related deaths annually as well as more than one million five hundred thousand heart attacks and five hundred and sixty-seven thousand heart attack-related deaths annually;

Whereas the prevalence of hypertension in black males is 33 per centum higher than in white males, and the prevalence of hypertension in black females is twice that of their white counterparts;

Whereas twenty-nine million workdays, representing $2,000,000,000 in earnings, are lost each year because of cardiovascular diseases;

Whereas the risk of the major cardiovascular diseases is directly related to hypertension and even mild elevation in blood pressure may result in substantial risk of illness;

Whereas much of the 30 per centum reduction in mortality between 1970 and 1980 for stroke, hypertension heart disease and other cardiovascular system disease can be partially attributed to increased awareness and better control of blood pressure; and

Whereas increased blood pressure screening will identify greater numbers of Americans at risk for hypertension-related cardiovascular disease and encourage these Americans to seek treatment to control their blood pressure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on November 10, 1985, is hereby designated as "National Blood Pressure Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL TEMPORARY SERVICES WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 195) to designate the week of October 20 through 26, 1985, as "National Temporary Services Week", and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would like simply to inform the House that the minority has no objection to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 195

Whereas the temporary services industry is the second fastest growing business sector in terms of job creation in the United States;

Whereas the temporary services industry employed over five million people at various times in 1984;

Whereas the temporary services industry payroll has increased between 1970 and 1984 from $547,000,000 to $6,000,000,000;

Whereas one out of every two hundred nonagriculture jobs in the United States was provided through temporary services in 1984; and

Whereas the temporary services industry provides flexibility for employers to meet short-term labor needs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 20, 1985, through October 26, 1985, is designated as "National Temporary Services Week" and as the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate conference, programs ceremonies, and activities.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: Page 2, lines 3 through 4, strike out "October 20, 1985, through October 26, 1985," and insert in lieu thereof "December 1, 1985, through December 7, 1985,".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. GARCIA].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. GARCIA: Amend the title to read as follows: "Joint resolution to designate the week of December 1, 1985, through December 7, 1985, as 'National Temporary Services Week'".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL ADOPTION WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 51) to designate the week beginning November 24, 1985, as "National Adoption Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would like simply to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from New Jersey [Mr. SMITH], who is the chief sponsor of House Joint Resolution 320, National Adoption Week.

Mr. SMITH of New Jersey. Mr. Speaker, House Joint Resolution 320 designates Thanksgiving week—November 24 to 30—as "National Adoption Week" and is intended to focus attention on the benefits of adoption to children, parents, and society in general. Companion legislation to House Joint Resolution 320 was approved by the Senate last June.

Mr. Speaker, each year more than 100,000 children are adopted in the United States. For these children, adoption represents a chance to grow up in a home, with a family, among parents who love them. In my view, Mr. Speaker, nothing is more important, no one more precious, or vulnerable than children. For millions, adoption is their last best hope for a happy childhood.

National Adoption Week will, I believe, be very useful in highlighting the availability of approximately 50,000 children with special needs—children who are older, handicapped, in sibling groups, or members of minorities—who are legally free for adoption. Passage of this resolution sends a clear message to the American people—these children with special needs are our children, too. They belong in families and we have a responsibility for them.

Mr. Speaker, as Members will know, most aspects of adoption are governed by State law. Landmark legislation, however, was adopted in 1980 in the form of the Adoption Assistance and Child Welfare Act (Public Law 96-272). This law made numerous changes in the child welfare services, and foster care programs. It also established the adoption assistance program, a federally matched adoption subsidy for special needs children.

Today there are more than 2 million couples ready, willing, and eligible to adopt a child. The average wait for a child is painfully long—5 to 7 years. In recent years, the number of eligible children has declined due in part to the effects of permissive abortion and the fact that many teenage moms opt to keep their child.

Many prospective, adoptive parents now look overseas to adopt and the number of foreign-born children eligible is rising. The Immigration and Nationality Act, as amended, governs the admission into the United States of foreign-born children. Foreign adoptions generally take place in one of two ways. The first method is for the parents to work through a U.S.-based, international, child-placing agency, which usually completes the adoption in the child's home country and brings the child to the United States. The second approach is for the adoptive parents to work directly with a foreign, child-placing entity, and either to have the child brought to the United States for adoption, after all foreign and domestic requirements are fulfilled, or to journey to the child's country of origin and carry out the adoption there.

In sum, Mr. Speaker, every child needs a home.

Every child needs the stability and guidance of loving parents.

Every child needs the sense of genuinely belonging, of being cared for, of being wanted.

National Adoption Week enables us all to applaud the generosity of adoptive parents, to commend assisting organizations such as the Adoptive Parents Committee, and to focus on the law to ensure that adoption policy is the best we can enact.

Mr. HANSEN. Mr. Speaker, I appreciate the excellent remarks of the gentleman from New Jersey, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 51

Whereas the week of November 24 has been commemorated as National Adoption Week for the past ten years;

Whereas we in Congress recognize the essential value of belonging to a secure, loving permanent family as every child's basic right;

Whereas approximately fifty thousand children who have special needs—school age, in sibling groups, members of minorities, or children with physical, mental, and emotional handicaps—are now in foster care or institutions financed at public expense and are legally free for adoption;

Whereas the adoption by capable parents of these institutionalized or foster care children into permanent, adoptive homes would insure the opportunity for their continued happiness and long-range well-being;

Whereas public and private barriers inhibiting the placement of these special needs children must be reviewed and removed where possible to assure these children's adoption;

Whereas the public and prospective parents must be informed of the availability of adoptable children;

Whereas a variety of media, agencies, adoptive parent and advocacy groups, civic and church groups, businesses, and industries will feature publicity and information to heighten community awareness of the crucial needs of waiting children; and

Whereas the recognition of Thanksgiving week as "National Adoption Week" is in the best interest of adoptable children and the public in general: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 24 through November 30, 1985, hereby is designated "National Adoption Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read

the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL REYE'S SYNDROME WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 29) to designate the week of November 11, 1985, through November 17, 1985, as "National Reye's Syndrome Week," with a Senate amendment to the House amendments, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate joint resolution.

The Clerk read the Senate amendment to the House amendments, as follows:

Page 2, lines 19 and 20, strike out "to sponsor a multicenter research study by recognized authorities on Reye's Syndrome;".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would like simply to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 47) designating the week beginning November 10, 1985, as National Women Veterans Recognition Week, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would like simply to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from Florida [Mr. BILIRAKIS], who is the chief sponsor of House Joint Resolution 20, National Women Veterans Recognition Week.

Mr. BILIRAKIS. I thank the gentleman for yielding.

Mr. Speaker, let me first extend my sincere thanks to Mr. GARCIA, the chairman of the Subcommittee on Census and Population; and Mr. HANSEN, the ranking Republican on the subcommittee, for allowing me to bring this legislation to the floor this evening.

Senate Joint Resolution 47 would designate next week, the week of November 10, 1985, as National Women Veterans' Recognition Week. I had introduced similar legislation, House Joint Resolution 20, to designate the week of November 11 as a week of recognition for women veterans, and even though we received 204 cosponsors and could have very easily gotten the additional 14, in the interest of getting a bill enacted in a timely manner, I am pleased to have this opportunity to speak on behalf of the Senate's bill. After all, our goal is to honor the tremendous service and sacrifices of our women veterans and I am certainly supportive of whatever action is necessary to see this week of national recognition become a reality.

Until the 1980 census, we had little information about the number of women veterans in this country, and little attention was paid to providing appropriate services to this important group of Americans. Since 1980, however, awareness of the role women have played in the defense of our country has increased steadily. The commemoration of the first National Women Veterans Recognition Week in 1984 played an effective role in this public education process, and I felt it was important to continue this very positive trend in 1985.

It is interesting to note that the formal participation of women in the military began with the formation of the Army Nurse Corps in 1901. Yet women have served in and with the military services since our country was founded. Today, women are fully integrated into all branches of the Armed Forces and continue to demonstrate the invaluable role of women in America's defense.

Despite the continous service of women throughout the history of our Nation, we have not always recognized their tremendous contributions, nor have we paid close enough attention to the needs of women veterans. That is changing and I am pleased to have played a role in increasing women veterans' awareness of and access to the VA services they need through my work on the House Committee on Veterans' Affairs.

Nevertheless, I do not believe that the recognition process has been completed. And I think this country owes it to the 1.2 million women veterans, who make up 4.1 percent of our total veteran population, to continue to educate the public about their many contributions. We also need to increase awareness among women veterans themselves so that they may have the benefit of knowing that a grateful Nation cares. A recent study indicated that, overall, women veterans have made less use of veterans benefits than male veterans, and suggested that the low rate of usage seems to reflect a problem of benefit awareness rather than preference. In one sense, I welcomed this news because it hopefully reflects an improvement in the sensitivity level of the VA to the special needs of women. In another sense, I am disappointed that a higher awareness among women veterans of the care and benefits they have earned is not apparent.

So, let us once again this year make time to honor women veterans for their fine service to this country by approving this simple but important resolution to declare next week as National Women Veterans Recognition Week.

Mr. HANSEN. Mr. Speaker, I compliment the gentleman for his fine remarks, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 47

Whereas there are more than one million one hundred and sixty thousand women veterans in this country, representing 4.1 per centum of the total veteran population;

Whereas the number and proportion of women veterans will continue to grow as the number and proportion of women serving in the Armed Forces continue to increase;

Whereas women veterans through honorable military service often involving hardship and danger have contributed greatly to our national security;

Whereas the contributions and sacrifices of women veterans on behalf of this Nation deserve greater public recognition and appreciation;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas this lack of attention to the special needs of women veterans has discouraged or prevented women veterans from taking full advantage of the benefits and services to which they are entitled as veterans of the United States Armed Forces; and

Whereas recognition of women veterans by the Congress and the President through enactment of legislation declaring the week beginning on November 10, 1985, as "National Women Veterans Recognition Week" would serve to create greater public awareness and recognition of the contributions of women veterans, to express the Nation's appreciation for their service, to inspire more responsive care and services for women veterans and to continue and reinforce important gains made in this regard last year as a result of the designation of the first National Womens Veterans Recognition Week during the week of November 11, 1984: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on November 10, 1985, is designated "National Women Veterans Recognition Week". The President is requested to issue a proclamation calling upon all citizens, community leaders, interested organizations, and Government officials to observe that week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. STRANG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the subject of the special order today by the gentleman from North Carolina [Mr. BROYHILL].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

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A FREEDOM DEARLY BOUGHT—TRIBUTE TO AMERICA'S VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, the United States now observes 10 national holidays—commemorating the discovery of America, its founding, our wars, our work force, our religious holidays, and our leaders.

We set aside one of these holidays to honor a special group of people; a group too often ignored or forgotten during the remainder of the year. On Veterans Day, we salute those men and women who have given us our freedom, and who have protected that freedom through the centuries.

Mr. Speaker, on this Veterans Day I am asking my colleagues and others who read and hear these remarks to pause for a moment and think of the freedoms and the liberties that we have in this country.

If you have ever been outside the United States, then you know that we live in a unique society. In very few places can people express themselves freely, join any church or organization they choose, investigate the actions and comments of elected officials and the Government, choose the people who govern them, and hold public meetings to make their opinions known.

Only in America do individuals have this much liberty, and only in America is it taken for granted.

The freedoms we enjoy were not a gift—they were bought for us. Men and women have paid a heavy price for over 200 years to buy the liberty we enjoy today.

The next time you pick up a newspaper, write a letter disagreeing with your mayor or your Senator, or attend church, remember that you can do these things because someone was willing to fight and even to die for you to have that privilege.

On this Veterans Day, take a moment to say a prayer of thanksgiving for the freedom we enjoy in America, and take time to say a personal thank you to those men and women who have served in our country's military.

They understand the value of the liberties we enjoy—they were willing to risk their lives to protect them. All of us who live in the United States and enjoy the privileges of American citizenship owe them a debt that we cannot repay.

The Bible says that there is no greater love that a man can show than to lay down his life for his brother. The veterans of this country have offered their lives for us, and have given us our most precious possession.

On November 11, let's show them our gratitude and offer them our thanks and our appreciation. They deserve it.

THE HONOR OF OUR COUNTRY IS INVOLVED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 5 minutes.

Ms. OAKAR. Mr. Speaker, on October 24, Miroslav Medvid jumped from a Soviet grain ship in the Mississippi River and swam to shore in Louisiana. His every action indicated he was seeking freedom. The INS translator who spoke with him by telephone confirms his intention to defect. Astonishingly, Mr. Medvid was returned to Soviet custody, despite his struggles to break free.

In justifying its actions in this case, the administration indicated it was prepared to use force, if necessary, to win an interview with Mr. Medvid. Presumably, force would have been used to insure his rights under our laws. As it turned out, force was not necessary. After spending 24 hours in Soviet custody onboard ship, Mr. Medvid was allowed to meet U.S. officials. He signed a letter indicating he wanted to return home after all, his struggles notwithstanding. The administration is satisfied that justice has been served. I am not so sure.

Mr. Medvid's initial actions certainly speak for themselves. He was seeking freedom. When he was returned to the Soviet ship, he drew his finger across his throat. He feared reprisals.

When he met with U.S. officials, he was escorted and attended to at all times by Soviet officials as well. Mr. Medvid was not given a lawyer, nor was he informed of his right to an attorney. He was not provided with a translator in his own Ukrainian language, but instead had a Russian translator. According to newspaper accounts, Soviet officials acknowledged that Mr. Medvid had been drugged. American officials noted that he had slashed his wrist, which was newly stitched.

Clearly, Miroslav Medvid was not provided with the justice that the administration claimed it was seeking for him when it threatened force on his behalf. Now, millions of Americans have serious doubts about the manner in which this case has been handled. Many who have been contacting my office believe that the Ukrainian sailor was sacrificed for the sake of politics. Yesterday, at the U.S. Court of Appeals in New Orleans that impression was confirmed when the Assistant U.S. Attorney argued against a measure to help Mr. Medvid on the grounds that "the overriding question is a political question." Fortunately, not everyone agrees. Our country stands for certain values, like freedom and justice, that must be applied in this case as well.

It is essential that the questions on the Medvid case be answered. There is only one person that can explain his motives for jumping ship and then changing his mind and that is Miroslav Medvid. If he was mistreated by the Soviets and coerced into changing his mind, we have a moral obligation to come to his rescue. If he was not mistreated, as the Soviets and the administration claim, then no one should have anything to fear from having Mr. Medvid speak his mind in a truly neutral setting, with a lawyer and a translator who speaks his own language. On Thursday, the House Foreign Affairs Subcommittee on Europe and the Middle East will hold hearings on this case. The perfect witness at the hearing would be Miroslav Medvid. If necessary, the hearing could be postponed a few days to permit him to gather his thoughts and sort out his impressions. Since it appears he has family in our country, who have expressed concern over his well-being and his civil liberties, he could be housed in a noncoercive environment as he comes to terms with the enormous changes that have transpired in his life in the last 2 weeks. If upon further reflection, Miroslav Medvid decides that he genuinely wants to go back home, he can always do so. At least he will have had an opportunity to meet his cousins from Ohio. One thing is clear—as long as there are questions about the case, it cannot be closed. The honor of our country is involved.

CONGRATULATIONS TO GOV. THOMAS KEAN ON HIS LANDSLIDE REELECTION VICTORY

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from New Jersey [Mr. RINALDO] is recognized for 5 minutes.

Mr. RINALDO. Mr. Speaker, on behalf of my Republican colleagues in the New Jersey congressional delegation, I want to congratulate Gov. Thomas Kean on his landslide reelection yesterday, and also extend our compliments to the new Republican majority of the State assembly.

With nearly all precincts reporting, Governor Kean has amassed an outstanding 70 percent of the popular vote, and the New Jersey Assembly has witnessed a swing of 14 seats for a 50-seat to 30-seat Republican majority.

What strikes me most, Mr. Speaker, is the need to look at this election in two ways.

On one hand, this is clearly a victory for all the people of New Jersey. It is an affirmation of effective government policies that provide opportunity for all people. Our State budget is in surplus; we have witnessed a renewed sense of pride in New Jersey; unemployment is below the national average; inflation has remained low, and more than 350,000 jobs have been created during the Kean administration. The voters have clearly endorsed what has been happening in our State.

But while this election was decided on policies, I think it is also time for some partisan celebrating.

Early indications are that Governor Kean swept a majority of voters in all categories—including minorities that traditionally have voted Democratic. As Governor Kean stated, this means a "Republican candidate willing to reach out to the black community and ask for their votes is able to get them."

I agree with the Governor's point of view, and I believe our party is opening its doors and must continue to do so for all groups by demonstrating that we are the party of opportunity, the party of the future, and the party that has a brighter vision of America.

Mr. Speaker, as the dean of the Republican congressional delegation of New Jersey, I want to extend my congratulations and those of my colleagues to Governor Kean and the newly elected majority in the New Jersey State as they celebrate this tremendous victory.

We urge them to continue to work on behalf of all the people of our great State, and we wish them well when they begin their new term together.

THE NAVAL INVESTIGATIONS REORGANIZATION ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BATES] is recognized for 5 minutes.

Mr. BATES. Mr. Speaker, today I am introducing legislation to correct what I consider a fatal flaw in the U.S. Navy's investigative functions.

Through my investigations of waste, fraud, and abuse at Miramar Naval Air Station and aboard the U.S.S. *Kitty Hawk,* I have been troubled by the inabilities, failures, and flaws of the Naval Investigative Service. As a recent Los Angeles Times article reported: "* * * the NIS has developed a reputation inside and outside military circles as a weak agency that does not aggressively pursue investigations," and I would suggest that this evaluation is particularly mild. If I may cite some of the failures of NIS:

NIS investigations have been short-circuited by the senior officer of the command being investigated. A case in point is the inadequate investigation by NIS of the gun-smuggling charges involving Vice Adm. Joseph Metcalf III. As our colleague, Chairman LES ASPIN, so aptly summarized: "It is this approach by NIS (being subordinate to local command) that gives a bad odor to the Metcalf case."

There was an NIS agent aboard the U.S.S. *Kitty Hawk,* but he did not discover the abuses that later surfaced, nor did he protect the whistle blower aboard ship.

The FBI broke the Walker family spy ring with little assistance from the NIS, even though Navy personnel were selling secrets to the Soviet Union.

On August 12, Secretary of the Navy John Lehman announced a restructuring of the Naval Investigative Service. Under this reorganization plan, a new chief was selected for the service with the rank of this office being upgraded from Captain to Commander. In addition, while reports will continue to be made to the command being investigated, the Service will have the authority to initiate and execute investigations of its choosing; the Secretary of the Navy will be the only person able to stop an investigation.

While the Secretary's reorganization proposal is clearly an improvement, it simply does not go far enough; the Naval Investigative Service is simply beyond repair. The old addage "if it ain't broke, don't fix it," could be changed to read "if it can't be fixed, don't waste your time trying."

The Naval Investigative Service is operating without respect or professionalism. Considering the depth of the problems plaguing the NIS, the Secretary's recommendations are purely cosmetic. Furthermore, the changes that are necessary should not be done by executive fiat—where they can be overturned later once the problems are no longer in the headlines; the chnages must be accomplished legislatively.

In addition, a 1983 General Accounting Office report, "DOD Can Combat Fraud Better By Strengthening Its Investigative Agencies." highlights many of the points I have alluded to and suggests additional reforms which I have included in this bill, including:

An effective division of responsibility so that personnel concentrate their efforts where most effective.

A clarification of the applicability of the Posse Comitatus Act on naval investigators engaged in criminal investigations. This law is viewed as hamstringing the efforts of some investigations involving nonmilitary citizens.

Focusing criminal investigations on those cases of greatest potential loss.

Placing greater emphasis on the value and use of fruad prevention surveys.

For these reason, I am introducing legislation today that would reorganize the investigative operations of the Navy. All functions of the NIS relating to investigations of waste or abuse would be transferred to the Inspector General of the Navy. I believe, the Inspector General has the expertise and track-record to justify this transfer of jurisdiction.

Security and counterintelligence functions would be performed by a new entity established by the bill, the Security and Counterintelligence Command. This new command, with its increased rank and stature, should be able to perform more effectively in detecting, preventing and investigating cases similar to the Walker case.

Criminal investigations will be conducted by the newly-established Criminal Investigations Command. This command will be aided by several provisions in the bill which will make this an effective organization: new requirements on the preparation and execution of fraud prevention surveys will help in targetting those areas most subject to instances of fraud and other criminal activities; the command will also benefit from a clarification of the restrictions of the Posse Comitatus Act. These restrictions, designed to protect the Reconstructionist South, serve today as a hinderence to navy investigators. Under these restrictions, a civilian cannot be searched, arrested or investigated by a military investigator. This hamstrings fraud cases which frequently involve civilians. In fact, military investigtors need special permission to even work with agents of the FBI. Clearly this should be corrected. An additional provision of the bill would focus attention of the new command on those instances of fraud most deserving of fraud—though where the dollar value would appear to exceed $500. According to the GAO report. 62 percent of the cases investigated were of less than $500.

In addition, I would note that the GAO report repeatedly calls for greater independence for the investigative services—an effort accomplished by this bill.

In addition, all three commands would be required to report to Congress annually on what investigations it had undertaken during the previous year. This will further facilitate Congress' oversight responsibilities.

Mr. Speaker, I call on my colleagues to join me in this endeavor to correct a serious problem that has threatened our national security and national honor.

THE QUESTION OF THE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. CRAIG] is recognized for 60 minutes.

Mr. CRAIG. Mr. Speaker, I have taken this special order tonight to once again discuss with my colleagues

the question of our deficit. Certainly the question of how we arrive at a solution to that deficit, and to discuss in part the debate that has gone on in this House and the other body and in conference the last 2 weeks that I think has roundly confused the American people as to what our Congress now intends to do about deficit reduction.

Before I address that question and have some of my colleagues who are with me this evening here to discuss it, I would like to inform the Members of this House of an action that was taken this afternoon in Lansing, MI, by the Lansing State Senate. They petitioned, by a vote of 24 to 14, the Congress of the United States to convene a convention for the purpose of authoring and sending forth to the people a constitutional amendment to balance the Federal budget.

What is the significance of that act? As many of us know, the second part of article V of our Constitution says that when the Congress in essence refuses to respond to the amendment process, in other words, when the American people feel that there is a need for a constitutional amendment, and the Congress of the United States, this body, who is charged with authoring the amendment, fails to do so, that the States of this Nation may petition the Congress for the purpose of convention to write that amendment and send forth to the people for ratification. It requires two-thirds of the States. That is 34 States of the Union.

To date, 32 States have petitioned Congress for that very purpose: To author an amendment to balance the budget of this country. To place it in the Constitution as constitutional law. It may very well be that within the balance of this week, the whole of the Michigan Legislature will vote in the affirmative on this issue and Michigan will become the 33d State, and then there will be only one more State and this Congress will ultimately be faced with a constitutional crisis of their own making.

Because for years, this Congress has failed to respond to the wishes of the American people, and in poll and poll taken over the last decade, the American people have consistently said by an affirmative of 70 to 80 percent that they wanted this Congress to balance the Federal budget, and that if they failed to do so, that they would accept a constitutional amendment requiring the processes of Congress to arrive at a balanced budget.

I think it is important that this action that was taken in the Michigan Senate this afternoon be called to the attention of this body, because our time is running out. The chairman of the House Judiciary Committee, who has guarded so sacredly all of the amendments that I and others have offered to have the right of this House to act to send forth to the people is just about over. His ability to guard is within possibly hours, days, or maybe weeks of being over. He may ultimately have to send forth an amendment for us to consider because we will be up against the gun. The American people will finally have said, "Enough is enough." We now put a gun to the head of the U.S. Congress and demand that they act and that they act in a responsible fashion by bringing their revenues and expednitures into balance through the constitutional route.

There will be no alternatives at that point. This House must act. The other body must act, or they must produce enabling legislation that would allow the convening of a convention for the purpose of drafting an amendment to the wishes of the American people.

That is the choice that is nearly at hand. That is a choice that will at some point in the near future be taken out of our hands if we fail to be responsive to the needs and the wishes of the American people.

Now, that is really what the Gramm-Rudman-Mack debate of the last 3 weeks has been all about. I think without question the American people sense that there are some in the U.S. Congress who would like to place in law a procedure and a process that would bring this Government in a responsible fashion to a balanced budget by about 1991, that would have limited repercussion on the programs and the systems of our Government, but at the same time would tone down at an average rate of around $36 billion a year a growing deficit to a point of balancing expenditures and revenues.

None of us have said it would be an easy process. But there are a good many of us who would like to try and, of course, we know there are a good many in this body who would simply not like to try, who believe that the only answer to providing the wishes of their people, or more importantly of keeping themselves elected to this body, is to fulfill the old adage of tax and spend, or as one person said the other day, the new adage of borrow and spend.

In the coming days we will once again in this House in conjunction with the Senate convene a conference, and that conference's responsibility will be to attempt to adjust the Gramm-Rudman amendment to a point that all of us can agree on, to serve as enabling legislation to produce by 1991 a budget of this Government that is in balance in revenues and expenditures. Hopefully, once that enabling legislation is accomplished, this body will see the wisdom to then send forth a constitutional amendment for the consideration of the three-fourths of the States of this Nation that would ratify it within a short period of time.

As hard as we work here in our effort to try to bring the budget into balance, I think there is a growing cynicism among the American people that they do not trust us, they do not believe we will do it, and they will assure that we will do it by an act much like the one taken by the Michigan Senate this afternoon, to force a constitutional amendment that would require a balanced budget. And then ultimately they would say, "Now, Congress, it is your responsibility through whatever action you take or justify in taking to bring that budget in balance somewhere by 1990 or 1991.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I would be happy to yield to my colleague from Florida [Mr. MACK] who serves as one of the authors and major sponsors of the enabling legislation that I just referred to.

Mr. MACK. Mr. Speaker, I thank the gentleman for yielding.

The point that I guess caught my attention was when the gentleman from Idaho referred to the fact that the American people really do not trust what they hear coming out of this place anymore.

I would suggest one of the problems I have with the Democratic alternative to the Gramm-Rudman proposal is that on the one hand it gives the impression that the goal is to reach a balanced budget by 1990, I believe.

Mr. CRAIG. I believe in their proposal it was that, yes.

Mr. MACK. It also says that in the first year that the deficit target should be $161 billion.

But what almost never is discussed is the escape clause that they put in. I think that if most voters around the country, most citizens around the country, if they read they would say, "There they go again."

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They tell us one thing and yet they do something else to let themselves off the hook, because what it basically says is this. It affirms that if the real rate of growth in the country is 3 percent and remains steady over a period of time, there would be no changes in the targets that have been established. Three percent real growth across the board for 5 straight years.

It says that if that target is not met, let us say that the growth rate of the country is 3.2 percent, then they say we are to cut more out of the deficit because the country can afford more.

Then they say if the growth rate is 2.8 or 2.9 percent that we change the target.

Now, here is how it works. They are saying there will be a reduction of 20 percent a year over 5 years; in other words, from the target that they started with, $161 billion, take 20 percent

of that over the next 5 years and you get zero.

Mr. CRAIG. Now, the 161 the gentleman is referring to is the 161 deficit, the $161 billion of deficit?

Mr. MACK. That is the claim that our colleagues on the other side of the aisle make as to what their objective in the 1986 spending and revenue program would produce, a deficit no greater than $161 billion.

Let me just finish up with my point here. What is claimed is that for every one-tenth of a percent below the 3-percent real rate of growth, a 1-percent reduction takes place in spending. In other words, 1 percent would equate to a 19-percent reduction in the deficit. Then 2.8 would be an 18-percent reduction in the deficit; a 2.7-percent real growth would be a 17-percent reduction in the deficit.

The point that I am trying to lay out is that there is no such thing as a goal certain in the proposal they put together.

They claim, and I would give them some credit for that, that should economic policy, pure economic theory, would state that when you have slower levels of economic growth you should not reduce the deficit as much; but on the other hand, they make the argument that in the first year they want to reduce the deficit from—what was the projection earlier this year, $210 billion to $220 billion—they want to reduce the number from $210 billion or $220 billion down to $161 billion during a period of time in which we have experienced during the last three quarters about 2½ percent real growth.

Now, under their formula one would think they would come to the conclusion by their own analysis that the reduction in the deficit would be smaller this year as opposed to greater, as they have come up with.

Mr. CRAIG. What the gentleman is telling me then, let us say that I am the average American citizen who has had difficulty in understanding and following this issue, but I am led to believe that whatever this body or the other is working on, that if they agree and pass it, that by 1991 revenues and expenditures will be in balance.

But I think I heard the gentleman just say that in the Democratic proposal, well, that is not necessarily the case, that there is an escapability written into that proposal that might say the budget would never be balanced.

Mr. MACK. Well, that is absolutely correct. That is exactly the point I am making, that apparently they want some wiggle room, and I can understand why they want some wiggle room; but what we are saying in our proposal is—let us contrast it with what we are saying. We are saying that we want to establish a target the first year of $180 billion. And immediately, what do we hear? "Oh, that is a phony thing. They have set that up so that there will be no action taken on the deficit-reduction plan."

I think anybody who understands what is going on in the economy says that one thing for sure is that even at $180 billion there will be a sequestering order that is going to be in the neighborhood of $20 billion to $25 billion. There are going to be real spending cuts and I think if the gentleman will notice what happened here earlier today, we made a proposal of an 8.2-percent reduction across the board in the water bill that we were talking about earlier.

I was pleased to hear that the committee was ready to accept that proposal; but that is the only way we are going to meet it, if we start going after each program and reducing across the board.

Mr. WALKER. Mr. Speaker, will the gentleman yield just for a moment?

Mr. CRAIG. I yield to my colleague from Pennsylvania.

Mr. WALKER. I think the gentleman is making a good point, but let us make this very clear. The committee indicated they were willing to take the amendment, but then rose before we could vote on the amendment. Some of the people have said since that they did not think that was a real figure, so we may want to come back and revisit that later on.

So the fact is that they denied us a vote on that specific issue, knowing that if it won, it would give them problems. Their perception was that it would have a good chance of winning on the House floor, so I think we saw clearly once again an attempt to escape the very obligation they say that they are willing to impose upon themselves and on the U.S. Government.

I thank the gentleman for yielding.

Mr. MACK. Mr. Speaker, will the gentleman yield further?

Mr. CRAIG. I yield to my colleague.

Mr. MACK. The specific targets in our bill are $180 billion in the first year; $144 billion in the second year; $108 billion in the third year; $72 billion in the fourth year; $36 billion in the fifth year, with zero.

These are real numbers. There are no escape clauses.

We do say, however, that if there is a recession, not from some change in the economic level of activity in the country, but if there is a recession as identified by two consecutive quarters of negative GNP growth, that there should be some escape clause, that the Congress would have to act. They would have to say yes, we agree with that. We ought to waive the provisions at this time and adjust the spending and taxing proposal.

Mr. CRAIG. What the gentleman is saying, let me follow through on this, because one of the things that concerns me and concerns a good many of the constituents in my district when they say, "But you said one thing and you did another. We can't understand why you say what you say and then do what you do. They don't seem to be consistent."

The gentleman is saying that in the Democratic proposal that the mechaism allows a certain escape without a specific action on the part of the Congress. If the figures are there, you get into a negative growth or a lower growth proposition——

Mr. MACK. Just a lower growth, just if we got down to a level where we are today.

Mr. CRAIG. In other words, then, it automatically triggers itself. We would not have to stand here on this floor and vote yes or no, that we wanted to spend more or less, depending on the economic conditions.

In other words, we would not have to make a public commitment, if you will, by the statement of an affirmative or a negative vote as to how we wanted to spend money.

Mr. MACK. That is exactly right.

Mr. CRAIG. Ours says that we are required to act. Theirs allow the machinery of the system, if you will, to function.

Mr. MACK. Let me go a step further. There is another escape clause.

Mr. CRAIG. In whose?

Mr. MACK. In the Democratic alternative, the Rostenkowski plan, as I believe it is referred to. It is an escape clause based on unemployment.

Now, let us just assume, and here is how the formula works. If there are two consecutive months where the unemployment rate is 1 percent higher than it was 1 year ago, the whole thing is void.

Mr. CRAIG. Does it take into consideration seasonal adjustments?

Mr. MACK. There is no mention of that in the proposal.

But let us just assume they were for a second. I mean, that was a legitimate proposal there. Again what they developed is an escape clause based on a recessional concept that says the employment level is the thing that you ought to set as the triggering mechanism.

But again, think of what I said. Two consecutive months where the unemployment rate was 1 percent higher than what it was a year ago.

Now, let us just build a scenario here. Let us say that over the next year that we see a gradual reduction in the unemployment rate in the country from 7.1 percent, where it is today, to 6 percent by a year from now. What would happen under this proposal is that 1 year later if we were back to 7.1 percent, that would be a recession and therefore there is an escape clause to get out from under this whole proposal.

Mr. CRAIG. So the policy or the principal built within the Rostenkowski or the Democrat alternative is really back to where we have always been, is it not, that we spend and that we justify almost any activity in the economy as a reason to spend and the reason we do that is because the way to solve the problems in this Nation is to provide a Federal program.

I mean, I am kind of getting that sense.

The gentleman says that if unemployment bumps 1 percent up, that triggers their system, it says there is a recession and allows them to spend beyond the target levels as proposed within their package.

Mr. MACK. Absolutely, absolutely, and again just to close my remarks for this portion and I will be glad to yield to someone else, the gentleman started out by saying the American people have a great deal of problem in dealing with us in any real degree of faith. We say one thing, we do another.

All I am saying, it seems to me there are two clear alternatives here. Do you want to establish a goal certain? Do you really want to make the effort to get a balanced budget by 1991? Do you want to establish targets that you will really live with and stick to?

It is very simple, very clear, very across the board, or do you want to come up with kind of a mumbo-jumbo kind of shell game, here-today-gone-tomorrow type of thing, that says yes, our goal is $161 billion the first year, but we are not real sure of what it is going to be in the second year, depending on the level of economic growth and what might happen with the unemployment rate.

Mr. CRAIG. Let me ask the question then, if I were a citizen out there wanting this Congress to balance its budget and I wanted to write my Congressman and tell him that, which one would I tell him to vote for?

Mr. MACK. Well, I think it is pretty obvious to me.

Mr. CRAIG. I mean, it is really a black-white, yes-no kind of issue that a lot of my constituents have to deal with and ask me that question. "Don't give me all the rhetoric. Tell me which one is going to get the job done."

Mr. MACK. Clearly, the alternative to vote for is the one that everyone talks about. It is the Gramm-Rudman proposal here in the House that is called the Mack-Cheney bill. That is the one. That is the alternative that is going to do it.

Mr. CRAIG. The primary reason for that is because it establishes targets. It does not allow an escape unless there is a very real open public vote of this body.

Mr. MACK. That is correct.

Mr. CRAIG. Recorded vote by this body.

Mr. MACK. That is correct.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. CRAIG. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. It is important to recognize that a few moments ago on the House floor the Democratic Party almost en masse, with the exception of two, voted not to establish those targets. Clearly, the vote was shall we have the targets or shall we go with mumbo-jumbo. They voted for mumbo-jumbo, because it was clearly in the instructions that what we wanted to do was to assure them that we had a formula for getting there and that was voted against.

There is another portion of this, though, that also shows how phony the whole process is. The gentleman from Florida has outlined I think fairly specifically what is wrong in the formula that they have put in place if in fact this whole plan would go into effect; the problem being that there is another issue called separability that has been raised, which is a fancy word for self-destruct.

Mr. CRAIG. Would the gentleman explain in good, clear, simple, plain English what separability means?

Mr. WALKER. That is what I want to try to do, because I think it is important that the American people understand that there has been a three-step process built into the Democrat's proposal that is designed to make sure that it never goes into effect, that the whole thing folds up and goes away before it ever goes into effect.

It starts with this. It starts with the premise that there ought to be a court test of this whole process before anything takes place.

The second part. It says that if you have something in the courts that fails the constitutional test, if any one part of the bill fails a constitutional test, as defined by the courts, the whole proposal goes down. In other words, you lose the whole thing. You do not lose just one part, you lose the whole thing.

Mr. CRAIG. That is like an English teacher grading a student's term paper and he misspelled one word, so the whole term paper was "F."

Mr. WALKER, That is right. That is precisely what we are doing.

Then the third portion is you build into the proposal something which is clearly unconstitutional, which in at least two instances they have done in their proposal.

□ 2025

Mr. CRAIG. That is like the English teacher telling the student how to spell the word, knowing he or she has told the student that it was spelled wrong, so, therefore, the student uses it in the term paper and the term paper gets an "F."

Mr. WALKER. That is exactly what they have done, because in this case they have put at least 2 provisions in, one of some constitutional question, one of no constitutional question that it is unconstitutional.

One thing that they have put in was a CBO review only, that CBO would be the only one that could trigger the sequestering process, thereby leaving the Executive out of the whole process. That is probably unconstitutional.

However, there is another portion in the bill that is very unconstitutional as far as I am concerned, and that is that they take away, in limited instances within their bill, the President's veto power. That is an obvious constitutional power of the Executive that is stripped away in certain instances under their approach. So the courts would have no authority whatsoever to do other than to declare the bill unconstitutional, or to declare those parts unconstitutional, and that triggers it right back. Having declared one portion of the bill unconstitutional, the whole bill becomes unconstitutional and that, in fact, assures that it never goes into effect.

So they have built that kind of self-destruct mechanism in. That is the reason why they can get unanimity on their side on these issues. That is the reason why everybody lines up. They know the whole thing is a phony, that it is never going to take effect anyhow.

The severability issues, for all of the high-faluting lawyer talk that we get out here on the floor, is simply this: It is a time bomb designed to destroy the whole process before it ever takes effect so that the spenders can go on doing their things, this crisis will be by them and we will no longer have to face the issue again. They voted again on the same action here just a couple minutes ago to keep severability in. In other words, they voted for no formula that gets us to a balanced budget and they voted to keep the self-destruct mechanism in place.

It is clearly now the Democratic Party in this House that is against doing something to get to a balanced budget. There can be no other conclusion that can be drawn from the vote that we cast just a few minutes ago on the Lott instruction motion.

Mr. CRAIG. I thank my colleague from Pennsylvania for clarifying that. I know that some of the things that we do here, and certainly some of the words we use or the processes become confusing and that has been confusing to me, and I am pleased that the gentleman has outlined it and broken it down in a very clear way so that I think I and others can understand it.

Mr. STRANG. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I would be happy to yield to my colleague, the gentleman from Colorado.

Mr. STRANG. I thank the gentleman for yielding.

Mr. Speaker, I thank my friend, the gentleman from Idaho, for having this special order and I am most gratified to hear that the State of Michigan has become the next State to approve a referendum to call for a constitutional convention to call for a balanced budget. I believe that leaves one State to go. Am I correct?

Mr. CRAIG. If the house in Michigan now approves this measure passed by the Michigan State senate, then, yes, it would leave one more State to go.

Mr. STRANG. I have to say "Hurrah" to the State of Michigan and hope that they have enough backbone to carry through as a body in this proposal, because as a new Member of Congress, this gentleman arrived in Washington with an amendment in his hand which he dropped into the hopper to offer a constitutional amendment to balance the budget.

I believe that Jefferson meant it when he said we should have it. I know that this Congress has proved that we need to have a balanced budget. I believe that our exercise in discussing Gramm-Rudman and the Rostenkowski proposal has been an exercise in attempting to come to grips either genuinely or disingenuously with the question of balancing the budget.

But I also know from past experience that this body passes laws, and it can un-pass laws. So no matter what we do with laws requiring us to balance the budget, the people of the United States expect us to come through with more than that. As a new Member, I realize that when the Democratic majority in the House of Representatives put forth a program protecting certain areas of the budget, they had necessarily to threaten other parts of the budget, and I have to ask some rhetorical questions, if I may have leave to do so.

When it came to agriculture and the Democratic Party made some choices in this body, on top of all the other things that are happening to the American farmer, did they really mean to add $577 million more in cuts from aid to agriculture than they would have had under the $139 million available to them as a choice under Gramm-Mack?

Did the Democratic House of Representatives, did the leadership, have to choose to cut elderly handicapped housing by $49 million when they had an opportunity under Gramm-Mack to cut only $12 million?

Did the Democratic House of Representatives, in its wisdom and its leadership, really have to cut from the Job Training Partnership Act $241 million when, in fact, under Gramm-Mack they might have only cut $80 million?

Did this House have to cut from the Job Corps $50 million when, in fact, they were offered the opportunity to cut $12 million?

In compensatory education, did this House have to stand up and cut $304 million when, in fact, under Gramm-Mack they could have cut $51 million?

Handicapped education: Did this House have to cut $109 million from handicapped education when, in fact, they had the opportunity to vote for Gramm-Mack which offered cuts of $25 million?

My friends, this is a litany of choice which I, for one, have to ask: Is this the prudent way to do it? Is this the way you start the cuts when you are going through a series of quarters of relatively slow growth in this country? Is that when you put the hammer down?

Severability. My colleagues talked about severability. Severability, in essence, is simply a prudent measure which every legislative body in this country uses to protect the public from having the good parts of legislation thrown out with parts that may be imperfect, so we do not throw out, if you will, the baby with the bath water. Every State legislature does it. This Congress does it. Anybody who would put forth a piece of legislation and take out the severability clause is engaging in an act of cynical assassination on that bill that is as evident to its author as it is to all the rest of us.

Mr. CRAIG. Let me thank my colleague, the gentleman from Colorado, for those observations.

Last weekend I was home in my district speaking to a group of farmers, and they were concerned about the farm bill that had just passed the House and now working its way through the other body. They said, "How does that program, or that idea, or that—" and finally I said, "You are talking about the Rostenkowski balanced budget-debt limitation measure we passed out of the House last night." This happened to be on Friday when we took that action and I was in my district on Saturday.

They said, "Yes."

I said, "Well, I will tell you how it comes down. You lose and everybody else wins because that alternative which I opposed decided to divide an awful lot of issues and it cannot speak to fairness and equity across the board."

I know I have been consistently told by my constituents, "You can cut the budget and we want you to do it. In fact, we ask you to do it. But do it fairly, equitably, and across the board. Treat all programs alike and then we can accept it because we know that if we are benefiting from a program and we are going to take a reduction, somebody else is going to, also."

But, of course, that is not the way that program came about.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I would be more than happy to yield to my colleague, the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Mr. Speaker, let me just kind of build on what the gentleman from Colorado was saying, to attempt to explain why one program would see much larger cuts than the other one under the two proposals.

The significant difference really is because of two things. One was that the Democrats desired to get to $161 billion in the first year and, by the way, that figure was arrived at because, again, they felt that the $180 billion that we had established was done for the purpose of avoiding any sequestering action during 1986. Again, I think anybody who knows and has any understanding of the spending patterns of the Nation and the economic flow of things knows darn good and well that the deficit is going to be large enough this year to require a sequestering order to go into effect under the plan passed by the Senate.

The other thing that requires such a larger hit in a number of other programs is because clearly, when you make the decision to exempt some programs, it means that someone else has to pick up the slack. What has happened in the Democrat alternative, or the Rostenkowski deficit reduction plan I guess as it is known, is that there are nine programs that have been added to the exempt list, totally exempt, not put in category I where you can only reduce the automatic cost-of-living adjustments and bring those down to zero. These nine programs are moved totally out of this proposal.

□ 2035

In addition to that, the Democratic plan takes the Medicare Program, that portion which is not affected by COLA's, which is about 97 percent of the program, and moves all of those funds from category II to category I whereby the end conclusion is that only 3 percent of the Medicare dollars are impacted by COLA adjustments.

Mr. CRAIG. Category II is the nonexempt?

Mr. MACK. There are actually three categories. There is the exempt category. Category I are those programs that have automatic cost-of-living adjustments, a COLA, as some people refer to it, and category II are what we call the controllable accounts, and that is supposed to be everything else.

The difference between the two proposals is that roughly, under our proposal, that is the Republican alternative in the House, there are approximately $490 billion in those funds or

that pool of funds. Under the Democratic alternative, there are about $285 billion.

So when you start out with a program that says you are going to cut more, but you are going to cut more out of a smaller number of programs in dollars, that means that those programs have got to get hit harder.

An example that was not mentioned earlier. Under the Veterans Medical Care Program the Senate proposal would require—now, this is again under CBO who has made some projections based on what they think economic activity for the balance of the year would be and what the spending patterns would be; therefore, they have come to a conclusion that there would be a sequester order that would go into effect. Under that sequester order, they say, in effect, in order for the Senate plan to reach the target, there has to be a 1.9 percent reduction in spending in that pool of funds, roughly $490 billion.

In the House plan, because of the large number that has to be met, that is the larger deficit savings have got to be met.

Mr. CRAIG. In other words, to cut more from less.

Mr. MACK. And the fact they are cutting more from less, it states that 8.22 percent must be cut in those programs that are left in the controllable account.

Very simply what that means is that in 1986 fiscal year budget authority under the Senate plan for veterans medical care would be reduced by $172 billion, the budget authority. Budget outlays would be $150 million. Under the House plan that was voted on last Friday, the Gramm-Rudman proposal or the Mack-Cheney proposal was defeated in the House again today, so it was a vote again for their proposal, so there should be a $737 million reduction in budget authority under the veterans medical care, which converts to a $641 million outlay reduction.

I am mesmerized by the fact that people come up here time after time and keep rolling out this word of fairness to us. Fair to who? Is it fair to one group to exempt those nine programs and say now those who are left in the pot are going to have to pick up the additional hit?

I would leave that to the American people to decide whether that is a definition for fairness.

Mr. WALKER. Will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think that point is an important one to build on. We heard a number of speeches in favor of the Democratic proposal that was brought to the floor saying what they were doing was protecting veterans. They, in fact, protected veterans compensation, but for the real veteran who is sick, the wounded person that is really in need of help, the person who is hospitalized, what they have really done is they have slashed those accounts to an even greater extent than could even be imagined under the Gramm/Mack proposal. In fact, what has been cited by the gentleman here is that they are taking four times as much out of the account that would help the veteran who is in real need, the one who is in the hospital.

Mr. CRAIG. Here on the floor Friday, we heard and saw several of our colleagues who may have been with us vote for the Rostenkowski alternative because it "protected veterans."

You are saying it only protected COLA's in, let us say, retirement and also in disability compensation.

Mr. WALKER. That is right.

Mr. CRAIG. But it did not protect them in the medical area. And, of course, that is the area where those large numbers of World War II veterans are now moving into.

Mr. WALKER. Those are the veterans hospitals.

Mr. CRAIG. That is right, and it did not protect them.

Mr. WALKER. It did not protect the veterans hospitals whatsoever and, in fact, subjected the veterans hospitals to greater cuts as a result of protecting other favored programs that were enumerated in their bill.

There is one other point I think I would like to make that is in answer to the gentleman from Colorado, who I think pointed out very specifically the kinds of cuts that are taking place in the program. The point is that the Democrats do not believe those cuts can be made.

The one reason why they vote for this is they are front-loading the program in such a way that they hope again it will destroy itself. If, in fact, you do or would try to do what they are proposing here of taking $173 million out of authority for the low-income energy assistance program versus $40 million in the Gramm/Rudman package, they know that they would never get that $173 million figure. They think you might be able to get the $40 million figure. They know we would never get the $173 million. They know, for example, that in the social services block grants that when you start talking about cutting $224 million out of budget authority that you probably cannot get that. You might be able to get the $52 million that is in the Gramm/Mack proposal.

In other words, they are setting it up for a fall again, because what they can then come back and say is that it did not work. You know, we tried. We had a proposal out there that tried to reduce deficits based upon the formula that you give us, and it did not work.

You see, they did the same thing, they front-loaded the tax program in such a way that it did not kick in until 2 years down the pike. We suffered through a recession in this country because instead of giving us a 10/10/10 tax cut program, we get a 5/10 and 10, and the 5-percent tax cut that we got up front in the front-loading of the process assured that we would go through the recessionary period before we could pull ourselves out when the real tax cut got into place.

The same thing is being tried here. There is an attempt to front-load the spending cut process in such a way that they hope it will fail.

I would suggest that this is one more chapter in the point that we were making here before that there is really three attempts within the Democratic proposal to torpedo the balanced-budget process, and that is why many of us believe that there is something less than sincerity in the attempts by the Democrats to present an alternative on the floor.

I thank the gentleman again for yielding.

Mr. CRAIG. I thank my colleague from Pennsylvania for bringing out those points. I guess I have never questioned sincerity on the part of any Member of this body.

I do, by your observation, certainly have to question the intent. And if the intent is to balance the budget, and the result is to not allow that to happen, then I guess the conclusion you could draw is are those who would support the type of action you have mentioned sincere in their approach?

I think in concluding this special order this evening, I would say that there were 24 very sincere senators in the State legislature in Lansing, MI, this afternoon, sincere in telling this Congress that the economy of the State of Michigan is not going to improve until the fiscal policies of the U.S. Congress improve. That is why they are attempting now to send us a very important message and to become the 33d State to petition the U.S. Congress.

I was up in Lansing, MI, Last year talking with the State legislators and encouraging them to move in the fashion that they are currently moving. I used a figure that I find still holds true in the State of Michigan, a figure that was put together by the American Enterprise Institute and some polling that was done by a couple of national polling firms. That is that a constitutional amendment requiring a balanced budget, to have it in the U.S. Constitution, would bring long-term interest rates in this country down by 2 full percentage points within a 6-month period. And in the State of Michigan alone, that would equate to 30,000 more people being employed if

long-term real interest rates were to drop by only 2 points.

In other words, the economy of this country would recognize the inability of Congress to continue this wild spending habit that we have been engaged in for decades. They would know that we would be able to take less and less of the gross national product, either in the form of taxation or borrowing, and it would leave more out there in the private sector for the purpose of investment, which would ultimately bring interest rates down, and as a result of that, 30,000 more people would go to work in the State of Michigan alone.

I congratulate my colleagues here who support the Gramm-Rudman-Mack approach, and that sincere effort, and I congratulate 24 State senators in Lansing, MI, this afternoon for having the strength and the wisdom to tell this Congress to get its act together, to balance the budget, and to become fiscally responsible.

I also thank those of my colleagues who have joined with me this evening in this special order, and I yield back the balance of my time.

THE ARMENIAN GENOCIDE AND THE OUTCRY IN THE AMERICAN PRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. EDGAR] is recognized for 60 minutes.

Mr. EDGAR. Mr. Speaker, I have been very patient today and on several occasions I wanted to get up and to challenge my colleagues, but I will leave their statements unchallenged at this point.

Mr. Speaker, it is a privilege for me to sponsor the third in a series of special orders on the American response to the Armenian genocide. My colleagues Mrs. JOHNSON and Mr. PASHAYAN have already demonstrated for us that both the Congress and our Presidents were deeply troubled by the atrocities committed against the Armenians in Ottoman Turkey and tried, over the course of some 30 years, to bring about an end to the massacres.

Today's special order examines the reaction to the Armenian genocide within the American press—in particular the New York Times and the Washington Post—during the period that pre-dates the most notorious genocidal massacres of 1915-23. I would like to thank the Armenian Assembly of America for seeking out this important information and for bringing these articles to my attention.

I hope to remind members of this body that the Armenian genocide was an issue of central concern in the United States as far back as 1890. This tragic period in history merits remembrance by Americans today, many of whom can still recall the national appeals by President Wilson and others to contribute toward the relief of the suffering Armenians.

House Joint Resolution 192, a measure that would designate a day of remembrance for victims of the Armenian genocide, is still before us. This commemorative resolution has the support of a clear majority of the members of this body. Yet, the present Government of Turkey and its Ambassador in Washington have lobbied heavily for the defeat of this resolution, claiming that the Armenian genocide did not occur and creating the false impression that this resolution somehow has a connection with modern Turkey and its relations with the United States.

This approach by our NATO ally is not constructive. There is no inconsistency in the preservation of both the integrity of American history and our friendship with Turkey today. Turkey is calling upon Members of Congress to turn our backs on 90 years of Presidential, congressional, and public recognition of the Armenian genocide. The denial of history cannot occupy a central place in our relations with Turkey.

As early as 25 years before the 1915 period of deportations and massacres of Armenians, reports of atrocities on Ottoman Turkey were reaching the United States. On July 26, 1890, the New York Times ran an article entitled "The Erzeroum Massacre—Armenians Slaughtered and the British Consulate Stoned." The article stated, "The soldiers began a massacre of the Armenians and the Turkish populace joined in the attack * * * Numbers of Armenians, relying on the promises of Turks to escort them to places of safety, were murdered in the streets. Fifty bodies have been found, mostly of persons who were bayoneted; 350 persons were wounded, and 100 are missing." Similar articles continued to appear throughout the year.

Heavy coverage of the massacres appeared again in 1894. On November 19, the New York Times published a piece called "The Massacre of the Armenians," which stated in part: "From many sources, confirmation of former reports of the massacre have been received. The utmost endeavors have been made to prevent the facts from becoming known." On December 2, a Times article entitled "Great Britain Aids Armenia" reported that "a large force of Turkish regulars, with Kurdish and Hamadic cavalry, acting under orders direct from the Turkish capital, destroyed 25 Armenian villages, and massacred some 4,000 men, women, and children." By February 19, 1895, the Washington Post, in an article entitled "Armenian Massacres Confirmed," reported: "The Italian consul at Erzeroum has reported to his government that he has confirmed the accounts of the Armenian massacres with the testimony of eye witnesses."

Throughout 1895, reports of atrocities continued to reach America. On September 10, the New York Times ran an article with the telling headline, "Another Armenian Holocaust", in which it reported that "a force of 1,000 Turkish troops was sent to Kemokh, and five villages were pillaged. Five thousand persons were rendered homeless. Men, women, and children were tortured. Four monasteries were sacked. It is reported that the Turkish minor officials have formed an anti-Christian society to slaughter Christians * * *". By December 1, 1895, the same newspaper ran an editorial entitled "Prompt Relief for Armenians," in which it stated:

> * * * It is a simple fact that the wealth, intelligence, and character of the Armenian people all over the empire have been almost blotted out * * * the central Government has not merely been cognizant of the outrages, but has distinctly ordered and encouraged them.

In a December 29 article entitled "Cruelty of the Turks," the New York Times published a chronological list of atrocities in various regions of Ottoman Turkey, including this description of an October incident: "October 27-30—In the district of Kara Hissar Sharki nearly all the Armenian villages (27 are known) were destroyed, numbers of the men killed, and a great number of young women and girls were carried off to be incorporated in the Mohammedan population."

The constant flow of reports about Ottoman Turkish atrocities against the Armenians led the Senate and House to approve a resolution denouncing the massacres. The New York Times carried stories of the congressional action during January 1896, including one on the 25th entitled "An Appeal to the Powers—the Senate Reminds Them of Their Duty to Armenia." By February 2, the New York Times carried a UPI story entitled "Press Censorship in Turkey—United States Senate Resolutions Withheld from Circulation," which stated: "* * * the Government has forbidden the circulation in Turkey of the English newspapers of January 27, which contain dispatches from Washington giving the United State Senate resolutions regarding the condition of affairs in Armenia, and also a report * * * by the Right Hon. Joseph Chamberlain, Secretary of State for the Colonies, in which Mr. Chamberlain declared that the condition of Armenia was a danger and a disgrace to Europe."

The massacres continued throughout 1896 and 1897. On March 24, 1897, the New York Times carried an article entitled "The Armenian Massacre—The British Ambassador in Turkey Makes a Strong Remonstrance," and another piece on the 26th of March entitled "Seven Hundred Killed—the

Massacre of Armenians at Tokat More Extensive Than Was Reported." On July 13, it ran another article under the title "New Horrors in Armenia—Turks Boast of Having Sworn to Wipe Out the Christians Slowly but Surely."

Despite these shocking accounts of mass human destruction, the current Turkish Ambassador, The Honorable Sukru Elekdag, has repeatedly written to Members of Congress asking us to reject this history. In light of the past American record on this issue, we simply cannot comply with his wish. Tampering with history is a dangerous exercise and, as we saw in the Bitburg incident, a morally repugnant one. The credibility of modern Turkey would be enhanced greatly if it would allow the past to be left alone for those who seek to remember, not for those who wish to rewrite.

Our desire today, however, is not to tell Turkey how to handle its affairs. It is simply to remember a period of American history that is dear to many citizens of this country—to Armenian-Americans as well as to those who remember this era of selfless dedication by Americans to the salvation of the Armenian people. The effort to have a national day of remembrance designated for the victims of the Armenian genocide began 10 years and must at last be approved by both Chambers and signed by the President. The 10-year effort by the Republic of Turkey to block this remembrance by the United States must cease.

House Joint Resolution 192 is now awaiting action in the Rules Committee. I urge Chairman CLAUDE PEPPER to schedule the resolution for committee consideration as soon as possible. This body must approve House Joint Resolution 192 when it returns to the floor.

I include the articles I have referred to in my remarks in the RECORD.

[From the New York Times, July 26, 1890]

THE ERZEROUM MASSACRE—ARMENIANS SLAUGHTERED AND THE BRITISH CONSULATE STONED

LONDON, July 26.—The News gives the following details of the recent riots at Erzeroum: "On June 20 the soldiery were ordered to disperse Armenians who were holding a meeting in a churchyard. The soldiers began a massacre of the Armenians and the Turkish populace joined in the attack. The shops and houses of the Armenians were pillaged. The sack lasted four hours."

The British Consulate at which on the same night a fete was being given for the benefit of poor Armenians, was stoned and its gates and windows were broken. The Consul and the members of his family took refuge in the cellars of the building and the fete was abandoned. The American Mission served as a refuge for fifty fugitives.

Numbers of Armenians, relying on the promises of Turks to escort them to places of safety, were murdered in the streets. Fifty bodies have been found, mostly of persons who were bayoneted; 350 persons were wounded, and 100 are missing.

[From the New York Times, Nov. 19, 1894]

THE MASSACRE OF THE ARMENIANS—AN INQUIRY TO BE MADE BY THE PORTE INTO THE TRUTH OF THE REPORTS

LONDON, November 18.—The Daily News' correspondent in Constantinople says, in a dispatch concerning the massacre of Armenians in the Sassoun district:

"Sir Philip Currie sent Consul Hallward's report on the incidents at Sassoun to the Porte, in order to indicate the serious nature of the events. The Porte, instead of accepting this in a friendly manner, brusquely denied the facts, asserting that Mr. Hallward's report is untrue. It was insituated or stated outright that he had encouraged the Armenians to revolt. This was, of course, ludicrous and absurd.

"Sir Philip Currie at once informed the Foreign Minister that he should take steps to verify his assertions. His energy paralyzed the Porte, who on Saturday withdrew the allegations against Hallward. The Sultan ordered a commission of three military men and a civilian to make an immediate inquiry.

"From many sources, confirmation of former reports of the massacre have been received. The utmost endeavors have been made to prevent the facts from becoming known. A number of Armenians who fled toward Trebizend have been ordered to return."

[From the New York Times, Dec. 2, 1894]

GREAT BRITAIN AIDS ARMENIA—EXPLICIT WARNING TO THE PORTE ABOUT THE BERLIN RULE

GOVERNMENT ORGAN AND QUEEN VICTORIA'S BEHAVIOUR EMPHASIZE THE IMPRESSION OF ANGLO-RUSSIAN DEAL

LONDON, December 1.—Rustem Pasha, the Turkish Ambassador to Great Britain, had a long interview last evening with the Earl of Kimberley, Secretary of State for Foreign Affairs, in which, it is understood, he gave Lord Kimberley such a detailed statement of the intention of the Porte to make an honest investigation in regard to the Armenian atrocities as satisfied the Foreign Secretary that the matter would be thoroughly sifted.

Sir Philip Currie, the British Ambassador to Turkey, has also telegraphed to the Foreign Office a statement giving reasons which lead him to suppose that the commission appointed to investigate the matter intends to make an unbiased report. This semiofficial information conveys what the Government wish the public to believe, but withholds the exact truth regarding the position of affairs, which is that the Porte is acting under an explicit warning from England that Article LXI of the Berlin treaty, which guarantees the security of the Armenians, will be enforced through the intervention of the powers unless the result of the commission's labors shall be absolutely satisfactory and the reforms promised in Armenia be effected without delay.

The Speaker, in an article on the subject, predicts the failure of the Porte to meet England's demands, and forecasts Anglo-Russian intervention in Armenia as the inevitable outcome of the present condition of affairs. The paper says that the Porte after a long delay will produce a plan for illusory reforms, and that is the meantime the process of extirpation of the Armenians will proceed unchecked, and adds: "The Government ought to recognize that the time for words is past."

The first fruits of the proposed Anglo-Russian entente, The Speaker continues, may be Russian occupation of Armenia, as no power but Russia can reach the scene of action without raising the question of opening the Dardanelles and the complex negotiations connected therewith, and, as a precedent for such action, the paper quotes the British occupation of Egypt.

This important utterance of a Government organ is accompanied by an authoritative communication from Constantinople, declaring that, after the Armenians had repulsed the Kurds, a large force of Turkish regulars, with Kurdish and Hamadic cavalry, acting under orders direct from the Turkish capital, destroyed twenty-five Armenian villages, and massacred some 4,000 men, women, and children. There is nothing, adds the correspondent, exceptional in this massacre but its proportions.

The same thing, on a small scale, is going on throughout the large districts, where Christians, Nestorians, and Armenians are being exterminated.

With reference to Egypt the article points out the probable extension of the Anglo-Russian entente. If Russia shall occupy Armenia, as the representative of England, under the Anglo-Turkish convention, in which Armenian reforms were further guaranteed, the French policy in Egypt will receive a decisive check.

[From the Washington Post, Feb. 19, 1895]

ARMENIAN MASSACRE CONFIRMED

ROME, February 18.—The Italian consul at Erzurum has reported to his government that he has confirmed the accounts of the Armenian massacre with the testimony of eye witnesses.

[From the New York Times, Sept. 10, 1895]

ANOTHER ARMENIAN HOLOCAUST

FIVE VILLAGES BURNED, 5,000 PERSONS MADE HOMELESS; AND ANTI-CHRISTIANS ORGANIZED

LONDON, September 9.—The Daily News will tomorrow publish a dispatch from Kars, stating that fresh outrages have been perpetrated in the Erzinzian district.

A band of brigands attacked a company of Turkish gendarmes on Aug. 12, killing a Sergeant. Therefore, the Turkish authorities, without making any inquiry, decided that the assailants were Armenian revolutionaries from Kemakh, who intended to release exalted Armenians who are still in prison at Kars.

A force of 1,000 Turkish troops was sent to Kemokh, and five villages were pillaged. Five thousand persons were rendered homeless. Men, women, and children were tortured. Four monasteries were sacked.

It is reported that the Turkish minor officials have formed an anti-Christian society to slaughter Christians if the Porte accepts the scheme of reforms the powers insist upon.

[From the New York Times, Dec. 1, 1895]

PROMPT RELIEF FOR ARMENIANS

It is almost impossible to realize the magnitude of the calamity that has overwhelmed the Armenians of Asiatic Turkey. The telegrams from Constantinople urging the Red Cross Association to enter into relief work as in war times gives a hint of the disaster, and the letters that came by the last mail describe the situation as something appalling. Every shop in every city visited by the marauders has been cleared of everything. Although in their mad eager-

ness for plunder the Kurds and Turks have spared some lives, it is a simple fact that the wealth, intelligence, and character of the Armenian people all over the empire have been almost blotted out. The principal men in every city, including merchants, school teachers, and leaders of thought, were singled out for murder, and those who escaped have been reduced to abject poverty. But it is not merely the cities that have suffered. The farming regions are desolated and flocks and herds have been carried off, so that, according to the best estimates, at least a quarter of a million of people are in immediate danger of starvation.

Meanwhile the story of massacre grows worse rather than lighter. A second massacre in Marash, accompanied this time by the destruction of American school buildings, and rumors of massacre in Aintab and Van, make up the latest list. These are three of the most important cities of Northern Syria and Eastern Turkey. Van is the seat of English, French, and Russian Consuls. In Aintab the Armenian population, long noted for exceptional intelligence and corresponding influence, has always been on friendly terms with the Turks. For these two cities to be ablaze shows that the conflagration has in all probability gone far beyond the power of telegraphic orders from Constantinople to stop it, and proves that the central Government has not merely been cognizant of the outrages, but has distinctly ordered and encouraged them. The story is the same everywhere—the Armenians piteously pleading for protection; the authorities promising the fullest protection and ordering the shops to be opened, and then the Turks going to pray over it and coming out and falling on the Christians like a whirlwind, the Sultan decorating the commanding officer. Under such circumstances to believe a word that either the Sultan or his officials say or to accept a single promise is both farce and crime.

The appeal to America is one that cannot be too earnestly indorsed. In every part of the land the response should be prompt and effectual. Money is needed, but money is not all. The pillage of three months has destroyed millions of dollars' worth of property in the form of clothing and provisions. Both of these can be sent and distributed to great advantage, and the quicker they go the better. But here a very serious situation confronts those who would gladly send aid. How is the aid to reach the people? The country is absolutely closed to private enterprise. The missionaries are marked men. Those in Eraroum and Bitlis have been shot at, but have so far escaped with their lives. They will do what they can, as is shown by the heroic resolve of most of the Harput company to stay by the people even at great personal danger, but it is very evident that they cannot do much. The request for the Red Cross to act is most timely, and we hope that the two relief associations will immediately take what steps they can to come into relations with that organization and gain the indorsement and practical support of the Government. It is no time for personal preferences. Combination, mutual assistance, and united action are imperative. Winter is setting in, and unless help goes at once, it means the direst suffering and the loss of thousands of lives.

[From the New York Times, Dec. 29, 1895]

CRUELTY OF THE TURKS—DETAILS OF CRIMES AT MARASH, IN SANDJAK REGION, AND ELSEWHERE

MUSTAPHA PASHA SHARED IN BOOTY—CHRISTIANS COMPELLED TO ABJURE THEIR RELIGIOUS FAITH AND BECOME MOHAMMEDANS OR WERE TORTURED AND KILLED

CONSTANTINOPLE, December 16.—The United Press correspondent here has received the following information:

"MARASH, November 26.—The following information has been communicated to the Embassies: On the morning of the 18th, almost simultaneously, soldiers were seen discharging their guns all over the city, especially into Christian houses, whose occupants fled. The soldiers looted the houses of everything they could lay hands on. The mob followed, smashing doors, windows, and all else, and carried away as much of them as possible.

"Toward noon a squad of soldiers entered the grounds of the American Theological Seminary. They discovered two students, who had concealed themselves there, and shot one of them, so that he died that night. The other was pierced by minnie balls in four places and severely cut over the head. The soldiers then proceeded to rifle the academy boarding house of all the students' bedding, clothing, and other articles, and also the year's provisions. They were reinforced by soldiers from the barracks nearby, and then began to loot the seminary itself.

"After everything had been carried off, about 3 p.m., a few soldiers entered, and soon smoke was issuing from the rear of the building. This fact is completely proved. The sight of the edifice in flames seems to have aroused the Government to action, and the Americans were soon protected by a trustworthy Captain, with thirty soldiers. The Americans are still being guarded, for as long as the disturbance continues at Zeltoun (twelve hours distant) there is little certainty about anything. The personal losses of the Americans will reach $10,000, but heavier than the loss of the seminary is that of the choice library in it.

"Some details of events:

"Oct. 1.—Monasters of Verakugh, District of Kamekh, sacked.

"Oct. 4.—The Sourp Anardjat Monastery, at Pakarlen, pillaged.

"Oct. 12.—Five other monasteries, District of Kamekh, destroyed.

"Oct. 14.—During the massacre at Baiburt, Armenia, villagers of Baiburt were summoned to abjure their faith on pain of death; four villages yielded.

"Oct. 21.—Monastery at Chokha, District of Kamekh, pillaged.

"Oct. 22.—The church at Perouan, District of Erzinghian, pillaged. Priest and thirty people were killed in church.

"Oct. 24.—Eight monasteries, same district, sacked.

"Oct. 24.—Terjan, District of Erzroum, 1,000 Christians killed. Survivors escaped by accepting Mohammedanism. Moslems insisted upon converted women being given as wives to Moslem young men as proof of conversion.

"Oct. 27-31.—Church village of Umudum burned; priest killed; ditto Koinik, treated similarly; church village Teverik robbed and profaned; ditto Garash, ditto. All these on plain of Erzroum, where twenty-four villages were destroyed at the same time.

"Oct. 29.—Monastery Harsan Kaleh burned, together with Bishop and eleven inmates.

PLUNDERING IN SANDJAK REGION

"During the plundering of the villages in the Sandjak region two of the graduates of the theological seminary were killed at Huseink. The wife of one was carried away captive; the wife of the other was killed at his side; he himself had his arms cut off and was then hacked to pieces. At Hoh the Aghas at first promised to protect the Christians, but when they saw the villages all around burning, they said they would not. The Christians were asked to accept Islam, and they assented and were assembled in the mosque. Eighty males above fifteen years of age were picked out and led outside the village. On the way eight escaped. Their captors said to the rest: 'You are not Moslems; you are lying to us.' And they killed sixty-two and wounded ten. The fairest women were taken to the Turkish harems; the rest were sent to Turkish and Kurdish villages.

"The Kurds came into the city of Harpoot with all that was necessary for this work of destruction. They carried kerosene oil, which they poured upon the woodwork, and then set fire to it. Many eye witnesses testify to this. Those writing from the interior say it is evidently a plan on the part of the Government to make the reforms useless by destroying the Christian population. All who are left in the villages are considered Moslems and will be claimed by the Government as such. There is no restraint upon the Turks in the villages.

"One of the prominent men of Harpoot, who is a general favorite with Government officials, was the guest of an official of high position during the attack. With his host he watched the gathering of the forces to attack the city, and his host told him that the attack would take place at such an hour. He asked how that was known. He was told that it was in accordance with a pre-arranged plan. He said the raiders were soldiers of the reserve corps. They laid aside their uniforms and appeared as Kurds. He saw them go out to the villages and return.

"Another prominent man is the partner of a Kurdish Agha. This Agha told him that Mustapha Pasha, Commander in Chief of the Army, made a requisition on him for 500 men to do the work, and he said the order for it came from Constantinople. Another trustworthy man heard the booty being divided in a garden, and the dividers said: 'This is fit for this official, and this for that.'

"A wagon load of the booty was sent to Mustapha Pasha.

"Oct. 27 to 30—In the district of Kara Hissar Sharki nearly all the Armenian villages (twenty-seven are known) were destroyed, numbers of the men killed, and a great number of young women and girls were carried off to be incorporated in the Mohammedan population. From the Church of Sourp Takvor were stolen vessels and books valued at $30,000.

"Oct. 28.—At Enderes, same district, church burned, with a number of women and children who had taken refuge there.

"Nov. 2.—Denzik, same province. Armenian villagers being commanded to become Moslems on pain of death, saved their lives by professing Islam. At Zijk same thing.

"Nov. 9.—At Khizan, in the Province of Van, the Superior of the Armenian monastery was killed, his skin flayed, stuffed with straw, and hung up in a public place. Many people were forced to become Mohammedans.

"Nov. 11.—Harpool. Many priests were killed, with horrible torture, others yielded to pressure and became Mohammedans. The Protestant pastor near Koh was killed for refusing to embrace Islamism.

"Two Protestant pastor of Halakeny escaped from the horde of butchering Moslems and reached Harpoot in safety, but were taken from the house where they were hidden and ordered to accept Islam. On refusal, they were both put to death.

"An extra tax of 2½ piastres on sheep and 5 piastres on cattle is being levied in Syria for the support of the families of the reserves that have been called out.

"The Turks have called on the Druses to pay twenty-one years' back taxes, and, if these are not forthcoming, the soldiers are to advance. Following the example of the Grant Vizier, the Minister of War, and others, a collection is being taken up to provide horses for the Fifth Regiment. This has been so far successful that twenty horses have already been purchased.

"An extra tax is being levied in Asia Minor to provide uniforms for the reserves."

[From the New York Times, Jan. 25, 1896]

AN APPEAL TO THE POWERS—THE SENATE REMINDS THEM OF THEIR DUTY TO ARMENIA—CALLS ON THEM TO CURB THE TURKS—PASSAGE OF THE RESOLUTION REPORTED BY THE COMMITTEE ON FOREIGN AFFAIRS—FIERY SPEECH BY SENATOR FRYE

WASHINGTON, January 24.—Having stood idly by the months while the Turks have been slaughtering the Armenians, it is not reasonable to assume, as some United States Senators do, that the great powers that are parties to the Berlin Treaty of 1878 immediately will reverse their position out of regard for American sentiment, as expressed in a resolution of Congress—such a resolution, for example, as was reported a few days ago by the Senate Committee on Foreign Relations, and passed by the Senate today.

The resolution reviews the salient features of the Berlin Treaty, and declares that it is an imperative duty to express the hope that the concert brought about by the convention may have speedy effect in measures that will put a decisive stop to the slaughter now going on in Turkey. The President is requested to communicate the resolution to the different Governments interested, and is assured that the Senate, the House concurring, will support him in the most vigorous action he may decide to take.

This resolution was adopted to-day by the Senate without any opposition worth mentioning. Mr. Call has a scheme for committing the Government to the proposition to give Armenia a separate Government, but he is its sole advocate, and the substitute resolution he introduced to-day, embodying this idea, was thrust aside.

The question whether the committee resolution should be endorsed naturally developed some fiery oratory. Mr. Frye of Maine is at home on the subject of foreign missions, and he entertained the galleries in a fervid appeal for American protection of American missionaries in the regions where the Turks are spilling the blood of countless innocent persons. Mr. Frye's well-known tendency to twist the tail of the British lion when occasion offers gave additional strength to his assertion that if British subjects had been injured in person or property by the Turkish hordes there would have been a speedy demand for redress.

Perhaps the most sensational remark made by Mr. Frye was that if he could have had his way Russia would have been told to take possession of Armenia, with the assurance that the United States would stand by her. Mr. Frye did not refer to the possible results of such an alliance. The resolution now goes to the House for its concurrence. Possibly that body will substitute for it one of its own declarations on the same subject.

DEBATE ON THE RESOLUTION.—SPEECHES THAT VOICED THE SENATE DETESTATION OF THE TURKS

WASHINGTON, January 24.—The debate in the Senate today on the Armenian resolution was opened by Mr. Cullom (Rep., Ill.)

Mr. Cullom said he was amazed, astounded, and appalled at the accounts which he had of the awful carnival of havoc, destruction, and blood which prevailed for a time in a country with which the United States maintained amicable relations.

The concurrent and accumlated testimony of hundreds and thousands of intelligent people, Christian and Jew, Catholic and Protestant, European and American, made it conclusively certain that a massacre of innocents, unparalled for ages, had been perpetrated in the Armenian provinces of Turkey. Fire and sword had swept away over many square miles of territory the last vestige of Armenian human life, and over 300 villages the demon of damnation and fanatical hate had spread ruin, desolation, and death.

The English Government had a direct obligation resting on it to protect the Armenians and yet nothing had been done by it, nor by any of the other powers, looking to the enforcement of their treaty obligations, beyond more diplomatic correspondence between them and the Sultan. It therefore had seemed to the Committee on Foreign Relations that it could do nothing less than appeal to the powers to carry out their pledges, as it did in the concurrent resolution.

[From the New York Times, Feb. 2, 1896]

PRESS CENSORSHIP IN TURKEY—UNITED STATES SENATE RESOLUTIONS WITHHELD FROM CIRCULATION

LONDON, February 1.—The United Press correspondent at Constantinople, telegraphing under date of Jan. 31, says the Government has forbidden the circulation in Turkey of the English newspapers of Jan. 27, which contain dispatches from Washington giving the United States Senate resolutions regarding the condition of affairs in Armenia, and also a report of the speech delivered at Birmingham on the night of Jan. 25 by the Right Hon. Joseph Chamberlain, Secretary of State for the Colonies, in which Mr. Chamberlain declared that the condition of Armenia was a danger and a disgrace to Europe.

The correspondent also says that the Russian Consul, who has reached Zeitoun, has reported that hundreds of the Armenians who are holding that town are dying from disease and exposure to the intense cold.

[From the New York Times, Mar. 24, 1897]

THE ARMENIAN MASSACRE—THE BRITISH AMBASSADOR IN TURKEY MAKES A STRONG REMONSTRANCE

CONSTANTINOPLE, March 23.—In consequence of the troubles at Tokat, in the Sivas district of Anatolia, Sir Philip Currie, the British Ambassador, has sent to the Porte the strongest remonstrance that has yet been addressed to the Government in an official communication.

The official report of the affair said that fifteen Armenians and three Mussulmans were killed, but the embassies have received reliable information that fully 100 Armenians were massacred. The people were killed while in church. During and after the massacre the Armenian quarter of the city was given over to pillage.

The Turkish newspapers, in their comments upon the blockade of Crete, remark upon the pacific attitude of the powers toward Turkey. Their attitude, they say, is conformable with the rights and political interests of the Porte, and furnishes fresh proof of the striking success that has been gained by the Sultan. It also testifies to the friendship of the powers for the Porte, and their solicitude for the peace of the world.

[From the New York Times, Mar. 26, 1897]

SEVEN HUNDRED KILLED—THE MASSACRE OF ARMENIANS AT TOKAT MORE EXTENSIVE THAN WAS REPORTED

THE SULTAN FORCED TO ACTION—HE ORDERS THE ARREST OF THE TURKISH OFFICERS AT TOKAT, AND THE APPOINTMENT OF A COMMISSION TO TRY THEM

CONSTANTINOPLE, March 25.—Further and probably more accurate details of the recent massacre of Armenians at Tokat, in the Bivas district of Anatolia have been received by the Armenian Patriarchate here.

The news received today at the Patriarchate shows that the number of victims was fully 700. It was stated at the Patriarchate today that these figures were obtained from reliable persons in Tokat and the vicinity, and that the number of victims stated is without doubt correct.

Sir Philip Currie, the British Ambassador, made a most vigorous protest against the massacre in a note to the Porte, a note which was said to have been the strongest ever delivered by an Ambassador to the Turkish Government. The result of his action was shown today, when the Sultan ordered the dismissal and immediate arrest of the Turkish officials in Tokat who are suspected of complicity in the massacre and the appointment of a special commission to try them.

It is believed that the British Ambassador will watch the trial closely to see that it does not prove a farce, as so many trials of Moslem officials charged with the murders of Christians have been.

Mgr. Ormanian, the Armenian Patriarch, has made a protest to the Sultan against the murders at Tokat, and has added force to his protest by insisting that the Sultan shall accept his resignation, which was tendered some time ago. At that time the Sultan refused to accept it, and promised the Patriarch that further concessions would be made to the Armenians. His Majesty asked, however, that the granting of these concessions be deferred until after Easter. The massacre at Tokat followed.

Eight Armenians were arrested here today as a measure of precaution, the Government fearing that the news of the Tokat massacre might precipitate an outbreak. The prisoners are suspected of having been engaged in an attempt to make a demonstration here.

[From the New York Times, July 13, 1897]

NEW HORRORS IN ARMENIA—TURKS BOAST OF HAVING SWORN TO WIPE OUT THE CHRISTIANS SLOWLY BUT SURELY

LONG REPORT REACHES PARIS—CLANDESTINE EXTERMINATIONS AND TERRIBLE PERSECUTIONS CARRIED ON IN THE REMOTE PROVINCES—WOMEN CHAINED AND BURNED WITH RED-HOT IRONS

PARIS, July 12.—Pere Charmetant, Director General of the French Mission in the Levant, has received by way of the Caucasus and Tiflis a report prepared by a number of Armenian notables and Gregorian Bishops on the situation in Armenia.

It took the messenger who had the document in charge nearly three months to get through the difficulties and dangers along the Turkish frontier, which was carefully guarded against all Armenians or Armenian sympathizers.

The report, which fills thirty printed pages, is very carefully prepared and goes fully into the situation.

According to its authors, the Turks in Armenia, fearing European intervention, have abandoned the old practices of wholesale massacres, but during the last year there have been clandestine exterminations and most terrible persecutions, especially in the more remote provinces.

The Turks openly boast that they have sworn to wipe out the whole Armenian race, slowly but surely.

The document recites in detail various forms of persecution. It appears that the Tax Collectors seize the inhabitants if they do not pay everything demanded. "Women are taken through the streets with chains around their necks and kept for days without food. In some cases they are fastened to pillars, head downward. Freezing water is thrown over them or they are beaten until the blood runs. In other cases their hands are tied behind their backs, and then cats, first made furious, are thrown into their bosoms. Often they are burned in various parts of their bodies with red-hot irons.

"All the highways are guarded so as to prevent emigration. Not a single day passes without our hearing of or witnessing somewhere within our unfortunate provinces some fiendish cruelty. The Turks and Kurds enter the houses of Armenians in gangs, bind the men, and then ill treat their wives, sisters, and daugthers before their eyes."

The document concludes with the despairing cry, "Our hope is dying out. God help us. May Europe have pity upon us."

Mr. WALGREN. Mr. Speaker, I thank the gentleman from Pennsylvania for his efforts to make us better aware of the extent to which this country was aware of the atrocities against the Armenians in Ottoman, Turkey, at the time they were happening. The hundreds of appalling reports in American newspapers caused great concern in the United States over the fate of the Armenian population there.

I was especially moved by the efforts of American religious and relief organizations to provide urgently needed food and supplies and simultaneously to persuade the American Government to intervene on behalf of the Armenians. These reports underscore a deep-seated frustration among Americans over the Ottoman outrages.

On December 16, 1894, an article appeared in the New York Times entitled "Protest for Armenians—Their Treatment by the Turks Denounced as Outrageous." It describes a meeting held in the Calvary Protestant Episcopal Church in Manhattan, during which the massacres of Armenians were deplored. Another article in that newspaper on August 5, 1895, entitled "Assistance to Armenians," contains a report from the American Board of Foreign Missions about the difficulty with which American food and supplies was being distributed:

"There is a so-called Turkish Relief Company * * * and they are trying to interfere with other relief operations as far as they can."

The New York Times ran an article on October 1, 1895, about a resolution adopted by the Evangelical Alliance in Boston against the Armenian atrocities. The article, entitled "Evangelists Against Turkey," contains the text of the resolution, which reads in part:

Resolved, First, That we call upon our Government to join with the Governments of Europe in forcibly stopping the inhuman butchery of fellow Christians in Armenia.

On February 10, 1896, another New York Times article appeared under the headline "Appeal by the Bishops—Slaughter of Armenians by the Turks Should be Stopped." The opening paragraph reads:

The Bishops of the Protestant Episcopal Church in the United States, who, a week ago, sent a petition to President Cleveland asking that the Government interfere in saving the Christian Armenians from continued massacre at the hands of the Turks, have forwarded to the powers of Europe and to the Archbishop of Canterbury a memorial, praying that immediate measures be adopted to compel the Turks to cease from slaughter and persecution.

On March 19, 1896, an article was published by the New York Times entitled "Escaped Many Dangers," describing the perilous efforts of Christian Herald missionary W.W. Howard to distribute relief to the suffering Armenians. The article quotes Mr. Howard:

The Hamidieh cavalry * * * are an irregular soldiery of the Sultan, and they are devils let loose, and let loose under orders of the Sultan to commit these outrages. Wherever there was a Christian village there was destruction, outrage, robbery and murder.

Finally, on January 9, 1897, a piece was carried by the New York Times entitled "To Aid the Armenians," describing the efforts of the National Armenian Relief Committee and its chairman, Spencer Trask, to raise funds for the relief of Armenian widows and orphans. The article describes the publication of a booklet called "How To Save Alive the Orphan Children of Martyrs in Armenia."

This outpouring of American sentiment on behalf of the Armenians of Ottoman Turkey is an important part of humanitarian tradition of our history. Concern for the Armenian people was heard from every corner of America during this tragedy of nearly 30 years. The outcry of Americans echoed the concerns expressed by our Presidents and by the Congress itself in an effort to end the massacres and to bring comfort to the stricken.

This history is certainly worthy of remembrance. House Joint Resolution 192, which will be before us again soon, seeks to bring recognition to this period of our past. Many senior Americans can tell us firsthand of their own efforts on behalf of the Armenians back in this period. As a tribute to their humanitarian acts, we should approve House Joint Resolution 192. I urge my colleagues to join me in voting in favor of this measure.

Mr. MAVROULES. Mr. Speaker, as the representative of many Armenian-Americans, I am pleased to be participating in this special order on the Armenian genocide and the outcry in the American press, sponsored by Congressman BOB EDGAR.

What we know of our past comes to us through what has been left behind—documents, letters, newspapers, and, for more recent history, memories of eye witnesses. It is through this history that lessons of the past are taught to future generations.

Mr. Speaker, as you know, the Armenians were victims of a genocide in the early part of this century. This genocide, perpetrated by the Ottoman government, is now being actively denied by the Turks. The fear of upsetting our ally Turkey has made us blind to the facts. The documents, letters, newspaper articles, and eye witness accounts substantiating the genocide all exist. Our archives alone are filled with affirmative evidence, not to mention the archives of France, Britain, and Germany.

Unfortunately, it is much easier to question the past, labeling an unpleasant event alleged, than to search for the truth and accept it. Turkey is working very aggressively to eliminate all mention of the genocide and many U.S. officials are questioning its reality. What is happening though, is that we are adjusting the past to suit our current needs; we are rewriting history. Americans must have no part in this revisionism; whether a genocide was committed against Cambodians, Jews, or Armenians, it was a genocide and must be remembered as such.

Today, I would like to take a moment to look at some of our own reports of the massacres in the Turkish province of Adana in 1909. These massacres were only one wave in a hurricane of events that started in the 1890's and eventually wiped out the Armenian population of eastern Turkey by the 1920's.

The American press was very prompt and persistent about reporting the events going on in Asia Minor. The Washington Post in April of 1909, gave extensive coverage to the massacres of Armenians. On April 17, 1909, the Post reported the following:

CONSTANTINOPLE, April 16.—A massacre of Armenians has taken place at Adana, Asiatic Turkey, and, according to the latest telegrams from Mersina, still continues. Soldiers, powerless to control the situation, are joining in the pillage of the town. The fatalities are said to be numerous * * *. Consular telegrams received here report that half of the town of Adana has been burned and that the attacks upon the Armenians are extending into the villayet.

To a civilized, 20th century America, this news was shocking and distressing. In response, on April 23, 1909, the Post reports that—

In view of the pressing danger of Americans, missionaries and others in many towns of Asiatic Turkey, where massacres have been going on for a week, the administration is making strenuous efforts to send American guns to the scene of the disturbances.

Unfortunately, the steamer with the guns would not reach Gibraltar until May 1, which would be too late to be of any help.

A week later, on April 24, 1909, the Washington Post reported more of the same bloody news:

BEIRUT, April 23.—The adult male Armenian population of Antioch and vicinity has been practically wiped out in the massacres of the last few days by Fanatical Moslems. There are thousands of destitute Armenian widows and orphans still in the district, unable to get away * * *. Intense alarm exists among the Armenians still alive of a recurrence of the attacks upon them * * *. Massacres are raging today in the neighboring Armenian villages, and instant relief is needed.

The plea for help did not go unheeded. On April 29, 1909, the Washington Post, alongside the news of more carnage, reported on American efforts to provide aid to the victims.

The American National Red Cross Society has already sent $1,000 by cable to Ambassador Leishman in Beirut for relief work * * * the Red Cross would be glad to receive and transmit contributions from the people of the United States to the American ambassador to be used in relief work at his discretion.

Also—

WORCESTER, MASS., April 26.—An appeal for funds to aid the survivors of the massacre in the province of Adana, Turkey, was issued today by the National Armenia and India Relief Association, whose president is Justice David Brewer, of the United States Supreme Court.

In light of these Post articles and the American response, there can be no doubt that these events were a part of our history. Regardless of how our friends Turkey feels about it, we do not choose to rewrite the past.

House Joint Resolution 192 is an attempt by Congress to reaffirm our commitment to the victims and survivors of the Armenian genocide. We are simply echoing the response of our past by designating a national day of remebrane of man's inhumanity to man. When this resolution comes to the floor for a vote, I urge my colleagues to vote for it. It is a vote for compassion, and, more importantly, it is a vote for history.

Enclosed are the articles I referred to above. Please include them for the RECORD.

[From the Washington Post, Apr. 17, 1909]

KILL AND PILLAGE

CONSTANTINOPLE. April 16.—A massacre of Armenians has taken place at Adana, Asiatic Turkey, and, according to the latest telegrams from Mersina, still continues. Soldiers, powerless to control the situation, are joining in the pillage of the town. The fatalities are said to be numerous.

The riots began last Wednesday, and the town of Adana has been burned and many Christians killed in the streets. The Moslems having practically wrecked the town, are said to have now began operations against the Christians in the vilayet. The foreign consuls at Merina have requested that warships be sent to that port.

FOUR HUNDRED REPORTED KILLED

No definite information is obtainable as to the number of persons who lost their lives in the fighting, though one report says 460 Armenians were massacred. Two American missionaries are said to be among the dead, but no names are given, and the report as to these is unconfirmed. The British vice consul at Mersina, Maj. Daughty-Wyne, is said to have been injured during the trouble.

It is known that the regular district meeting of the American missionaries was due to be in session at Adana, and that Mr. and Mrs. William Chambers, the Misses Elizabeth and Mary G. Webb, Miss Wallis, and Miss Borel, missionaries, were to have been present there. Ambassador Leishman has instructed Vice Consul Debbas at Mersina to go immediately to Adana.

Neither the American ambassador, Mr. Leishman, nor the British embassy had received any further news concerning the massacre or confirmation of the reported murder of two American missionaries at Adana.

Consular telegrams received here report that half of the town of Adana has been burned and that the attacks upon the Armenians are extending into the vilayet. They say that the British vice consul at Mersina. Maj. Daughty-Wyne, who was ordered to Adana when the first advices of the massacre were received, has been wounded.

COMMUNICATION INTERRUPTED

Communication with the disturbed district is interrupted, however, and all reports received from there must be taken with caution. The porte declares the disturbances are subsiding. Two additional battalions have been dispatched to Adana.

The government has given assurances that it is doing its best to restore order at Adana and to protect foreigners. Additional troops are being sent in.

The Moslem attacks on the Armenians at Adana recommenced yesterday afternoon, and continued throughout the night. Large numbers of Christians are said to have been killed. One report says that 60 Armenians have lost their lives, and that many houses have been looted and burned.

The first news of this anti-Christian outbreak said the scene was Mersina, but this was erroneous. The trouble occurred at Adana, which is about 36 miles inland from Mersina.

Ambassador Leishman today instructed the American vice consul at Mersina, John Debbas to proceed immediately for Adana and report on the situation. Railroad communication between Mersina and Adana appears to be interrupted.

ANXIETY IN CHICAGO

Chicago, April 16—Press dispatches from Constantinople created alarm in Congregational Church circles today. Among the missionaries at Adana, where some of them are reported slain, are the Rev. William N. Chambers and his wife, who are maintained by the First Congregational Church of Oak Park, an aristocratic suburb of this city, under the auspices of the American board of commissioners for foreign missions.

Mr. Chambers is 70 years of age and has been in Turkey since 1879. He visited Chicago last winter, but returned to his post with Mrs. Chambers in January.

Miss Elizabeth S. Webb and Miss Mary G. Webb, sisters, whose home is in Missouri, also are supposed to be at Adana.

Philadelphia, April 16.—Dr. Talcott Williams, of the Philadelphia Press, whose sister, Mrs. William N. Chambers, is a missionary at Adana, where serious trouble is reported, has received no information as to the safety of his sister.

PRESBYTERIAN MISSIONARIES

NEW YORK, April 16.—Walter T. Miller, treasurer of the board of foreign missions of the Reformed Presbyterian Church, said today that his church had no missionaries permanently stationed at Adana. The Reformed Presbyterian missionaries stationed at Mersina and Tarsus, nearby cities, sometimes visited Adana and cooperated with the American board missionaries in the work of the mission schools, he said. The Rev. C. A. Dodds and wife, the Rev. Robert E. Willspa and wife, of Morning Sun, Iowa; Dr. John Peoples, of Philadelphia, and Miss Elma French, of Winchester, Kans., are stationed at Mersina under the control of the Reformed Presbyterian board. Mr. Miller said he had received no word from any of the Presbyterian missionaries and felt assured they were all safe or he would have been cabled.

[From The Washington Post, April 23, 1909]

FIVE AMERICAN WOMEN IN PERIL—ALONE AND DEFENSELESS AGAINST MOSLEM MURDERERS—WIRELESS APPEAL FOR AID—CUTTER TAHOMA, AT SEA, URGED TO HASTEN TO RESCUE—DEAD MAY NUMBER 15,000.

Fanatical Moslems, stirred to zeal by the events at the Capital, fall upon Christian population, killing women and babies—entire population of the town put to death—country surrounding Alexandretta scene of massacre and pillage—five thousand rendered homeless by the torch at Tarsus—Turkish officials powerless.

In view of the pressing danger of Americans, missionaries, and others in many towns of Asiatic Turkey where massacres have been going on for a week, the administration is making strenuous efforts to send American guns to the scene of the disturbance. On the way to the Mediterranean, some days' sail in advance of the cruisers ordered from Cuban waters, is the revenue cutter Tahoma.

The following wireless message has been sent to the Tahoma from the navy yard in this city. It will be sent to transatlantic steamers in order that they may transmit it to the Tahoma:

"Important Tahoma reach Gibraltar very earliest date. Make all speed. Touch Saint Michaels; coal if necessary. Acknowledge."

NOW IN MIDOCEAN

The Tahoma left Baltimore April 17, and is scheduled to arrive at St. Michaels, Azores, April 29 and at Gibraltar May 5. The vessel is now probably from 900 to 1,000 miles on her trip.

Should the wireless message reach the Tahoma, she should arrive at Gibraltar by the morning of May 1, calculating on a stay of one day at St. Michaels to coal the vessel. A cable will be sent to her at St. Michaels so that in event of the wireless message not being received her trip from that place to Gibraltar will be expedited, and in which event she would probably reach that port May 3, two days ahead of schedule time. She is now probably making 9 to 10 knots to save fuel. She can make 12 to 14 knots.

The Tahoma is a new steel vessel, schooner rigged, displacement of 1,200 tons, has a crew of 61 men, and a battery of three 6-pounder Hotchkiss guns, and a full complement of small arms.

Dispatches from the American embassy at Constantinople reiterated former assurances that everything possible was being done by the officials to guarantee the safety of Americans and American interests at Adana and other disturbed places.

WHOLE TOWN MASSACRED

Aleppo, Asiatic Turkey, April 22.—The entire population of Kirikan, between here and Alexandretta, has been massacred, even the women and children. There is not a survivor.

The French mission at Ekbaz is besieged by fanatical Moslems.

The Armenian village of Deurtyul is surrounded, and according to a messenger who crawled through the Arab lines at night and made his way here for help, the situation there is hopeless. The buildings on the edge of the town already were in flames when he escaped.

All Americans in Aleppo are in danger. The massacres are being carried out with the greatest violence. Neither women nor children are spared. The motto of the Moslem is, "No twig of the accursed race shall be suffered to live."

The Armenians, recognizing that the massacres have been organized and carried out by adherents of the old Turkish regime, are looking to the Young Turks for future protection.

FIVE AMERICAN WOMEN IN PERIL

Beirut, April 2.—Five American woman missionaries are in danger at Hadjin, in the vilayet of Adana. One of them, Miss Lambert, has sent a message down to the coast asking for immediate help. The women are entirely alone and defenseless. The villages surrounding Hadjin are in flames, and Hadjin itself is invested by nomad tribesmen. Messages from the interior are being suppressed by the authorities.

Miss Lambert's message says it is rumored an attack will be made tonight. The situation in the country north, east, and west of Alexandretta is most serious. There has been massacre and pillage at Antioch and rioting at Birejlk. Alopge is in a state of panic. There are only 400 Turkish soldiers in the city. The city is full of Bedouin Arabs, Kurds, and Circassians.

At Ayas, on the west coast of the Gulf of Alexandretta, 418 murderers have been released from prison. They at once joined the mob and began committing depredations. At Tarsus 100 persons have been killed 800 houses have been burned, and there are today 5,000 persons without homes.

Several native pastors from Aintab were killed while on their way to attend the district missionary meeting at Adana. The Turkish government officials at Mernian have done everything possible to check the trouble although they have been able to accomplish little.

TOTAL OF SLAIN MAY BE 15,000

Constantinople, April 22.—The wave of fanaticism, which originated at Adana some ten days ago and found its expression in the killing of Christians, apparently is spreading generally through the eastern provinces. Upward of 10,000 Armenians were massacred in Syrian towns and villages, principally in the villayet of Adana, during outbursts of fanatical zeal that took place at the time of the spring festival in honor of Mohammed and upon the receipt of the news of the overturn of the "heretical" government at Constantinople. One embassy places the estimates of killed as high as 15,000.

MASSACRES IN ASIA

"No two of the acquired race shall live," is motto of the Moslem.

Entire population of Kirikan killed.

Women and children slaughtered.

Five American women alone and in peril in Hadjin.

Total slain may reach 15,000. Wireless messages sent from Washington urging the cutter Tohoma, now at sea, to hasten to relief.

[From the Washington Post, Apr. 24, 1909]

MOSLEMS STILL SLAY—ARMENIAN MEN OF ANTIOCH NEARLY ALL PUT TO DEATH.—4,000 REFUGEES AT TARSUS

Gathered in the yard of the American College is pitiable Conditions—murder of missionaries Maurer and Rogers at Adana confirmed—Alexandretta district a scene of devastation.

Constantinople. April 22.—According to the latest consular dispatches received here, there has been no cessation of the massacre in the Antioch district, and the people are fleeing for their lives in every direction.

The French vice consul at Marash telegraphed that order has been restored at that point.

A cablegram received here today from Mersina sets forth conclusively that both Henry Maurer and D.M. Rogers. American missionaries, were killed during the rioting at Adana.

Beirut, April 23.—The adult male Armenian population of Antioch and vicinity has been practically wiped out in the massacres of the last days by fanatical Moslems. There are thousands of destitute Armenian widows and orphans still in the district, unable to get away. There is no security anywhere in the vicinity of Antioch.

CRITICAL AT ALEXANDRETTA

The situation at Alexandretta continues critical. Beilan is still holding out against the tribesmen that surround it.

Beirut is quiet as yet, but there is great tension between the Christian and the Moslem population. Troops are arriving here, and the authorities are taking energetic measures for the preservation of order. Many people are leaving Beirut for the Lehanon. The British Cruiser Diana came into port today.

Alexandretta, April 23.—Fugitives who arrived here yesterday relate that all the Armenian villages and settlements in the Alexandretta district are being destroyed. Nearly every Armenian dwelling has been burned by the fanatical Moslems, and the Armenians still surviving are living in the open, half starving, and in great fear, especially of Friay and Sunday.

The village of Beilah, a short distance south of Alexandretta, is holding out with difficulty against the nomad tribesmen.

BRITISH FORBIDDEN TO LAND

The British warship which sailed to relieve Deurtyul, an Armenian village on the coast, returned to Alexandretta today without having accomplished anything. The commander of the vessel applied to the governor of the district for permission to land a relief party, but he was refused.

Two more British war vessels are expected here shortly. One of the other foreign warships in port left today for Beirut.

Aleppo, Asiatic Turkey, April 23.—Many refugees have arrived here from the Alexandretta district. Their condition is miserable. Intense alarm exists among the Armenians still alive of a recurrence of the attacks upon them.

Tarsus, Asiatic Turkey, April 23.—The rioting that originated at Adana broke out here April 16. A few Armenians were killed, the whole Armenian quarter was burned, and the churches were sacked.

Over 4,000 refugees are still gathered in the yard of the American college. Their condition is pitiable. The missionaries at Tarsus are safe, but they are still apprehensive for the refugees.

Massacres are raging today in the neighboring Armenian villages, and instant relief is needed.

[From the Washington Post: Thursday, Apr. 29, 1900]

HORROR OF MASSACRE—AMERICAN WOMAN DESCRIBES SCENES AT HADJIN—ARMENIANS QUIT RESISTING

Shooting and Plundering, however, continues—thirty thousand lives lost in Adana province—Turkish troops on the way—missionaries still in dire peril—their messenger killed.

[Special Cable to the Washington Post]

Mersina, Asia Minor, April 26 (via Cyprus, April 28).—Two Turkish regiments which landed here on Saturday have proceeded to Adana, where the massacres of Christians began on April 14, and were resumed late last night with the wholesale murder of Armenians and the burning of their property.

Thousands of Armenians were burned alive, those attempting to escape being shot down by the troops. The destruction of Adana was completed, and the loss of life in the whole province of Adana is estimated at 30,000. The material losses of Europeans are enormous. The British and other foreign warships here are inactive.

In the town of Hadjin 18,000 people, thousands of them Armenians and four of them American women, are besieged by Moslem troops and irregulars.

The four Germans previously reported killed at Bakdjeh have arrived at Morsina safely. The Armenian population of that town perished.

MISS LAMBERT TELLS OF HORRORS

Constantinople, April 28.—The following telegram was received here today from Miss Rose Lambert, one of the besieged American women missionaries at Hadjin. It sets forth the danger surrounding Miss Lambert and her companions, who are quite alone. The messenger who first started with the message to the telegraph office was shot down on the way. The communication is dated Hadjin, April 26, and says:

"The rising against the Christians of Hadjin began nine days ago. The government sent troops to suppress the fighting between Mohammedans and Christians, but the men were not strong enough numerically to restore order. Many were dead and wounded on both sides.

"Desperadoes occupied the Armenian cloister five days ago, and have been firing on the people without interruption since. The Armenian churches are now showing white flags, indicating that there will be no further resistance; yet the shooting and the plundering continue. Many shops have been robbed and others undoubtedly will be. The Armenian settlements and villages in the province have been burned and many persons killed.

CITY WITHOUT FOOD

"Hadjin is almost entirely without food, and animals in the city are dying of starvation. The provincial authorities have been appealed to both orally and in writing to send more troops to Hadjin, but thus far without results.

"The messenger who first started with this dispatch to the local telegraph office was killed on his way."

The American women at Hadjin are Miss Virginia A. Billings, of Kirtland, Ohio; Miss Emily E. Richter, of Chicago; Miss Lambert, who is a daughter of Bishop Lambert, and a Miss Baldwin. The two last mentioned women were sent out by the Mennonite Brethren in Christ, of Ohio.

Christian refugees by the thousand have massed at Hadjin, and for eleven days the town has been threatened by fanatical Mohammedan tribemen, whose camps completely encircle it.

Reading, Pa., April 28.—Miss Rose Lambert and the other American women in danger at Hadjin, Asiatic Turkey, are connected with the "United Orphanage and Mission," of which the Rev. C. H. Brunner, of this city, is head of the general board. Mr. Brunner said today:

"With Miss Lambert at Hadjin at the present time are Miss Ida Tachumi, of Cleveland Ohio; Miss Anna Bowman and Miss Dorinda Bowman. The last two arrived at Hadjin from Michigan two months ago. Miss Frejerika Honk is from Indiana, but she is at present at the hospital at Beirut, where she has been ill since February 16. Miss Penner, another American woman formerly at Hadjin, has left that post, and Elder J. E. Fidler has also returned to America."

[From the Washington Post: Apr. 29, 1909]

RED CROSS ASKS AID—FUNDS NEEDED TO CARE FOR ORPHANS IN ARMENIA

$1,000 SENT TO AMBASSADOR

Mr. Leishman, at Constantinople, given authority to act for the society. Thousands of persons without food or shelter—money needed, he says, at once, or survivors will starve

Another appeal for assistance came yesterday from the relief committee at Beirut, which cabled to the American National Red Cross Society here as follows:

Request funds by cable and authority to act here, as your agents in the Asia Minor and Syria relief.

G. B. RAVDAL,
American Consul.
GEORGE POST
EDWARD G. FREYER,
Relief Committee.

In response, The Red Cross has informed the relief committee at Beirut that American Ambassador Leishman at Constantinople has been given full authority by the Red Cross for the distribution of whatever funds it may send, and refers the committee to him for assistance.

The American National Red Cross Society has already sent $1,000 by cable to Ambassador Leishman for relief work, and yesterday Miss Mabel Boardman, of the executive committee, announced that the Red Cross would be glad to receive and transmit contributions from the people of the United States to the American ambassador to be used in relief work at his direction.

DESTITUTION GREAT

Ambassador Leishman cabled yesterday as follows:

"As distress among population is very great, I am convinced that American Red Cross could not better fulfill the noble purpose for which it was founded than by such a contribution. If desired, money could be sent to the embassy for transportation to the Rev. W. W. Post, treasurer of American mission in Turkey and it would be a most humane act if our charitable organizations could be induced to follow suggestion, as thousands of poor people are without food or shelter. If American Red Cross will wire amount of draft they are donating I will hand over immediately such sum, as funds are urgently needed."

Worcester, Mass., April 28.—Miss Emily C. Wheeler, of this city, secretary and treasurer of the National Armenian and relief committee, tonight expressed her gratification that the American Red Cross had adopted Ambassador Leishman's suggestion, and already had contributed $1,000 for the relief of the sufferers from the massacres in Asiatic, Turkey.

"The funds of the Red Cross," said Miss Wheeler, "will be quickly absorbed by the immediate needs of the hungry and destitute survivors of the massacres. The Red Cross, through its character as an emergency relief organization will be in an excellent position to do this work.

ORPHANS IN NEED

"But it is necessary also to look into the future. Thousands of orphans who have to be provided for during the coming year and in the years to follow, and there is a grave possibility that there may be further disorders during the next few months, which will add to the number of orphans."

Miss Wheeler stated that she believed that it would be for the best interests of the massacre sufferers to have the Armenian relief committee raise a fund distinct from that of the Red Cross, and to be devoted entirely to the permanent support of Armenian orphans. Money for the relief committee's work should be sent to Miss Emily C. Wheeler, secretary and treasurer, 24 Oread Street, Worcester, Mass.

Justice David J. Brewer, of the Supreme Court of the United States, is president of the relief committee.

Mr. FLORIO. Mr. Speaker, I thank my colleague from Pennsylvania, BOB EDGAR, for organizing this special order to recall for us the tremendous amount of coverage given by the American press to the atrocities committed against the Armenians in Ottoman, Turkey. The truly horrifying accounts of destruction and degradation shocked the American public as early as the 1890's.

In addition to the massacres that are described in these gruesome reports, there are accounts of forced religious conversion that are equally appalling. We, Americans, whose Nation was founded on the principle of religious freedom and tolerance, are bound to find these descriptions particularly troubling.

On February 24, 1896, the Washington Post ran an article under the headline, "Turkish Persecution—Armenians Forcibly Converted to Islam Faith." The article states that "multitudes have been forcibly converted to Islam." A March 6, 1896, New York Times article, "Conversions to Islam—By Torture, Threats, False Reports, Massacre and Starvation," corroborated this assault on the religious liberties of the Armenians in estimating the number of forced conversions at 40,000 and stating:

These people were converted, some in the heat of massacre, to save their lives; some in cold blood, to save their wives and daughters from dishonor; some in hunger, to secure food offered by officials on this condition . . . In other districts the Turks have informed them that they will be killed if they attempt to return to Christianity, and that they will all be killed if they admit, upon being questioned, that they were converted by force . . . In some districts these forced convicts (sic) are daily flogged if they do not go to mosque, and if, at mosque, they make errors.

Ten days later, a March 16 New York Times article reiterated the tragedy of this genocide in "Martyrs for the Faith—Christian Armenians Must Become Moslems or Be Killed by Turks." The article states that in "Itsehmeh a certain well-known Sheik . . . murdered 40 persons in cold blood at the door of the church" because they refused to convert.

The press accounts of religious persecution are a profoundly disturbing subchapter in the long history of the attempted destruction of the Armenian people. Armenians who escaped Ottoman, Turkey, during this period are with us today and have chosen this country as their adopted homeland. Some still live with these traumatic memories and are deeply grateful to the United States for providing them safe haven and religious freedom.

These proud Americans left behind many loved ones who could not escape the horror. These press accounts reiterate that not only did this genocide occur but also that our Government and our press was willing to take a stand against this horror and roundly condemned the atrocities. House Joint Resolution 192, which I am proud to have cosponsored, seeks to honor those unfortunates that lost their lives in this tragedy and ensures that the memory of this horror will live on with future generations as an example of man's inhumanity to man. It is most fitting that the American Congress designate a day of commemoration as a tribute to the Armenian survivors, many of whom live on in this country, daily enriching it with their courage and strength.

I urge my colleagues to join in supporting House Joint Resolution 192 for passage and upholding our strong record in preserving the fundamental human rights of freedom to speak, to worship, and to gather. I would like to commend the texts of these articles from the 1890's to the attention of my colleagues:

[From the Washington Post, Feb. 21, 1896]

TURKISH PERSECUTION—ARMENIANS FORCIBLY CONVERTED TO ISLAM FAITH—THEIR DESTRUCTION IS EXTREME

(From a Correspondent of the Associated Press).

CONSTANTINOPLE, February 6.—It will be remembered that the Sublime Ports, soon after the massacre in this country sent out commissioners to investigate into the recent disturbances and take measures for quieting the country. One group of commissioners went to Eraerout and the other entered the

country at Sassoun and came to Nivas. This commission from the interior did its work very rapidly spending only a few days in each of the principal cities on the route.

The day after their arrival they summoned before them a number of leading men, Moslems and Christians. These were admitted to the presence of the commissioners separately—first the Moslems, afterwards the Christians. Reports say that the commissioners said to the Moslems, "We did not expect too much of you, but now you have done it, never mind. Henceforth you must keep the peace."

When the Christians were admitted the commissioners received them standing, and at once began to read an address reciting the benefits the Christians had received during the reign of the beneficent Sultan Abdul Hamid Khan, and the perfidious conduct of the Armenians who had started newspapers and sent men to Washington and Chicago to agitate and stir up the nations against their government. In conclusion, the address said: "Hereafter, if either Turks or Armenans stir up trouble, there will be no more imprisonments, but the death penalty will be visited upon such offenders."

THE CHRISTIANS THREATENED

After the reading of the address. Abdul Pasha began to address the Christians in a much more violent, strain. He said if the Armenians should again begin to agitate, not even the name of Armenian would be allowed to remain; they would all be blotted out. Drawing himself up to his full height and stretching out his arm like a sword, he said: "What we have gained we gained with blood, and when we give up this morsel we will give it up with blood, blood, blood."

So far as I can learn, in the Harpoot village the commissioners spent all their time in Mezreh, and did not even visit the city of Harpoot, which was plundered and burned, although it is only two miles from Mezreh. No questions were asked of the Christians summoned before them. When the commissioners had finished their speeches they dismissed them.

Another fact of interest is the sending out of officials to enroll in the government lists the names of Christians who have become Moslems. Multitudes have been forcibly coverted to Islam. I do not mean simply that they have been obliged to choose between becoming Moslems and perishing by the sword, but that they have been bound or held while the rite of circumcision was performed without their consent. I know of the case in which an aged priest was tied to his own door and circumcised, while in another village Christians begged to be killed, and their Turkish neighbors said to them:

"No, we want you to till fields. We will make you Moslems," and they circumcised the Christians of the place by force.

ENROLLING THE CONVERTS

The government has said that these conversions were worth nothing, and that no one would be forced to change his religion, but now government officials write these new converts, while the Turks drive them to say they are Moslems. In the village of Sheikhaj the official said to the Christians:

"I write your names on a separate list to satisfy the Turks; there is no force about it."

But one acquainted with Turkish ways may expect to find these Christians soon enrolled as Moslem citizens.

The carrying off of Christian girls and women still continues. In the city of Palu Turks carry off girls, keep them for a few days, and return them dishonored. The same is done in many other places. In one of the Arabkir villages eight girls of the place are imprisoned in Turkish harems. Their friends hear their cries, but can do nothing to help them.

The destitution of the Armenians beggars description. Men who were wealthy in October were begging for bread in November. Villages were pillaged of every scrap of food and clothing. When the plunderers could find nothing more to carry off the villagers returned and sifted the dust to gather a few kernels of wheat or barley. Doors and windows were carried off. In many cases the timbers of the houses were pulled out and carried off. Jars were broken. Everything of value which could not be carried away was broken. Windows, cupboards, boxes, were smashed. The utmost pains were taken to leave nothing of value to the owners.

TERRIBLE DESTINATION

And all this was done at a time when winter was so close at hand as to make it reasonably sure that cold and hunger would destroy those whom the sword had spared. Wherever you go you meet man pinched faces, and people clad in scanty garments. And you know that multitudes spend the long, cold nights huddled together with nothing to lie down upon and nothing to cover them. Of course disease sets in and carries them off.

It is estimated that there are between 30,000 and 100,000 people in extreme destitution. Europe and America are touched with compassion, and funds are being gathered for the relief of the sufferers in every town and city. It is far otherwise with the Turk. He views his work with complacency, and does not like to see it interfered with. The government has given a little aid occasionally. In many cases the allowance is one-sixth as much as is given to a Turkish gendarme or soldier. I have seen the bread given in several places. If resembles the linseed cakes used in Europe and America for feeding cattle. Even the allowance is seldom continued for any length of time. A large share of the government's appropriations for the relief of the destitute goes into the pockets of officials.

Moreover, the Turks are hostile to relief work, and oppose it in various ways. In the city of Palu the Turks said to the Christians:

"If our beneficent sultan wishes you to have money he is abundantly able to give it; but he has not seen fit to do so, and now you are receiving money from the English and forming an alliance with them. We will cut you off."

OPPOSITION TO RELIEF WORK

No Christian in Palu dares to receive or distribute relief funds. I happen to know that the Armenian missionaries tried to send money into Palu and it was returned to them because no one in Palu dared to receive and distribute it. The same is true of the town of. . . .

In some of the villages tax gatherers took from the villages the scanty pittance they had received to keep them alive. They beat them to exhort from them the money. One poor villager said: "The red is . . . the flesh is soft so we gave it up."

[From the New York Times, Friday, Mar. 6, 1896]

CONVERSIONS TO ISLAM—BY TORTURE, THREATS, FALSE REPORTS, MASSACRE, AND STARVATION—FORTY THOUSAND WERE INTIMIDATED

LONDON, Feb. 26.—*The United Press correspondent at Constantinople sends the following:*

Some anxiety is felt in regard to renewed threats of massacre made at Aintah, in the Province of Ajeppo. A Mohammedan outbreak against the Christians occurred there in November. The shops and some houses also of the Armenians were pillaged, and about 250 people were killed by the mob, but a considerable number of houses escaped pillage entirely. Since this outbreak the specially pious among the Moslems have felt it a duty to pillage the houses then untouched. They are now openly declaring their intention to do this and to kill the Armenians left alive in the city. Leading Moslems of Aintah, and even the Kaimakam, have assured the Armenians that the Government cannot protect them unless they become Mohammedans.

"The number of Armenians who have nominally accepted Mohammedanism, in various provinces of Turkey since the massacres is now estimated at somewhat over 40,000. These people were 'converted,' some in the heat of massacre, to save their lives; some in cold blood, to save their wives and daughters from dishonor; some in hunger, to secure food offered by officials on this condition, and some on receiving assurances recently that Christianity will no longer be tolerated in the empires, and that security can be restored in no other way. In some districts the Government has allowed these forced converts to return to their own faith. In other districts the Turks have informed them that they will all be killed if they attempt to return to Christianity, and that they will all be killed if they admit, on being questioned, that they were converted by force. In some districts, notably in the mountainous parts of the Province of Aleppo, these forced converts are daily flogged if they do not go to mosque, and if, at mosque, they make errors in the liturgy. The following letter from Harpoot has been received in Constantinople by the Relief Commission:

"We are spending a good deal of money here for relief work, as you already know. Mr. Oates, the treasurer, sends an occasional financial statement, but you have a right to demand from us something more general which shall set forth the needs in this district in justification of these large expenditures. I intended to send such a statement last week, but this work so crowds and overwhelms us that it is difficult to find time for any adequate presentation.

"To say nothing of Diarbekr and its villages, a part of which constitutes a portion of our mission field, there are in the seven other districts 200 villages inhabited by Christians, some of them large, which have been ravaged, and which look to us for relief. We roughly estimate that there are 100,000 persons in the towns and villages for which we have special care, and which are cared for from no other point, who are actually needy and suffering. Official relief is without system and a farce as is also the restoration of stolen property. Nobody who is not actually in the midst of it can have any comprehension of the extent of the desolation about us and of the degree of the

suffering endured. Even we ourselves are bewildered by it. We cannot take it in.

"We, however, do not attempt to care for this great multitude. Every plane is required to prepare a careful list of the most needy, giving the number of adults and of children under ten years of age in each family. This list is submitted to a central committee of nine or ten of our most reliable and sharpest business men. Protestant and Gregorian, under the presidency of the Armeanian Bishop, for their careful scrutiny. Any person whom they find upon this list who is able to squeeze through the Winter without starving is stricken from the list.

"To the remainder we give on the average, at present, 10 piasters to adults and 5 to children. To as many as possible of the needy work is furnished both to men and women in the city, in order that they may provide themselves with bread. Daily rations of bread, amounting to twenty paras for adults and ten paras for children, are given to more than 1,000 in the city, mostly refugees.

"The Misses Seymour and Bush give their whole time to a labor department for women. Some 980 in the city are sewing and ten more are knitting. Other hundreds would be glad to secure work for the 2 piasters a day, which is what is paid, but here, as in every other department, only those who are in absolute need are employed. Over 4,000 suits consisting of shirt and drawers, and 165 pairs of stockings have been made and distributed, while there are other thousands who have not had a change of underclothing since the time of the massacre; also 981 mattresses and 595 voghrans, some of them newly made and some bought second hand, have been given out. The need for bedding is very great, but cannot be met. Many would be glad of a piece of matting or carpet to lie upon, or a piece of bagging to put over them.

"In the villages the cotton industry has been a very important one in the Winter. The massacre took place just at the time of the cotton harvest. Where it had been gathered it was carried away with the rest of the plunder. In many cases it was taken from the field even. Spinning wheels and looms were carried off or broken up. Still there are some of these domestics utensils and our ladies have sent out about 2,000 pounds of cotton to be worked up into thread and cloth for which the women are paid. Wool is also sent out and made into stockings for which they receive pay, and the stockings are given to the needy poor. The whole expense of this industrial branch is 1,000 Turkish pounds. It would be greatly enlarged if there were more money.

"It will be seen from what has already been said that as compared with the demand the supply is very meager. And yet there has been great difficulty in securing the money which we have already distributed as it comes mostly by post, and we also encounter great difficulty in distributing in some of the most needy districts, those most remote from us. We have had no assistance from the Government, and, fortunately, no active opposition. The Government has urged that the work should be done through a mixed commission—two Moslems and the Christians—but this besides being very unsafe and wasteful, would tie our hands and delay the work in every direction. We have appointed good committees in every place. Protestants and Gregorians—but in some places, like Palu, Choonkoosh, and Malatia, they have been afraid to touch the money.

"The committee in Malatia are beginning to work in a quiet way, for we sent them money despite their protest. Nearly 100 lire has been distributed in the city of Malatia, but nothing has gone to its villages, twenty, perhaps, in number. Choonkoosh was not plundered, but the most of the seventeen villages have suffered badly. The Gregorian Council reported the other day that there were 2,500 refugees and destitute in the district. We have sent recently to our committee there fifty lire, and have asked them for more definite particulars. More money is imperatively demanded there.

DESPERATE NEEDS AT CHOONKOOSH

"Choonkoosh is a town of 1,000 Christian houses, of which more than 100 were burned, and the neighboring village of Adiah, with 310 houses, has scarcely anything left. These are just beyond the Taurus. Their needs are desperate, and for nearly two months we have been trying to get money into the place. A couple of weeks ago we sent 50 lire, but whether it reached the place and has been distributed we have not yet learned. The Chareanjak region, north of us, with sixty-three plundered villages and Pori as its centre, has always been an oppressed region, under the dominion of several feudal chiefs and surrounded by wild money villages which it is impossible to reach from Pori, and where, on account of strictness at the Euphrates ferry—for the district lies just north of the Euphrates—it has been impossible to send relief from here, so the people come here in person for the little which we can give them.

"A strong appeal came to us from Kgin for four villages which had been badly sacked and plundered in its vicinity—villages which have relations with Constantinople, and which had the finest village houses to be found in this part of the country. A letter from the village of Lidjo received this week say that forty of its ninety houses have been burned and the rest sacked, and the inhabitants, 600 in number, were living in its remaining houses; that until the snows came they were able to procure a part of their subsistence from the green herbage of the fields, but now that is cut off, so they appeal piteously to us for help. The large, fine village of Bingen has suffered, I believe, even worse. So this week we have sent 100 lire to a good committee in Egin, under the Presidency of the Armenian Bishop, to distribute to these four villages and sent us a report. Egin itself, although not plundered, paid a heavy sum as a ransom.

"Akubkir, like Malatic suffered much worse than Harpoot. We could not send anything there by post or otherwise for several weeks, and no committee was willing to handle the money, through fear. We have, however, succeeded in getting about a hundred and twenty lirae distributed in the city, and have sent them word to draw on us for a hundred more. But not a piaster of this has gone to the fifteen sorely stricken villages in that district, many of which were plundered three or four times and some as many as six times.

"One of the most difficult problems which we have had to consider has been Palu, with his forty-three villages, many of them large. They have had the most awful treatment from Turks and Kurds, and our committee even now, are not willing to receive and distribute funds, because they felt that it would imperial their lives. As in many other places, to save their lives, and to save their families from a fate worse than death the most of the surviving Christians have made a formal profession of Mohammedunism, so they are closely watched by the Turks; and the Turks hearing that money was to come for relief, said: 'So it seems that the Armenians still have political relations with England.' All who can are leaving the place and coming with their families, and every day a large number of villagers appear here with their village lists of the needy, after a two-days' walk, and after there lists are verified and the money is paid to them, they go back to their homes with a sum of money scarcely larger than in prosperous times they could have earned in the same number of days.

"As Palu belongs to the Diarbekr vilayet, though much nearer to Harpoot than to Diarbekr. I have written a letter to Mr. Hallward, the British Consul, to await his arrival at Diarbekr, begging him to give early attention to securing an order for Palu and Choonkoosh to facilitate distribution. This has been an unusually mild and open Winter, otherwise many of these people who have come to us from Palu, and other distant places, would have perished in their homes, or on the way. It is a great grief to us to send them home with such small sums of money, after a Winter's journey, which including their stay here takes nearly a week.

"This work, which has been providentially thrown upon us, is very laborious and very exhausting. The money which is sent to us we regard as a sacred trust, and we use great care in its administration. I can say that our Treasurer is more careful, I think, in its use than he is of his own money. What wears upon us most and is the greatest tax upon our strength is the right of the appalling wretchedness and misery which we can do so little to alleviate. The majority of the, perhaps, 15,000 who were killed, were men with women and children dependent upon them. Here are penniless, half-naked women and children, many of them from houses that have been burned, many of whom have been in comfortable circumstances, and some of the better class, now wandering about in search of food. With them, as with many others, it is not simply a question of surviving the Winter, but there is a dark and hopeless future before them.

"This report is already too long, although it does not express one-thousandth part of the dreadful reality. There is, however, another point which I must mention in closing. The knowledge that we are distributing money has evidently stimulated the Government in the gathering of taxes. In some cases the collectors are on the watch for the villagers when they return with their money. In the village of Shehaji, for example, every piastre taken, by fourteen houses, amounting to 20 piastres, was taken by the tax collectors.

MARYTRS FOR THE FAITH—CHRISTIAN ARMENIANS MUST BECOME MOSLEMS OR BE KILLED BY TURKS—WOMEN THE PREY OF THE ISLAMITES

CONSTANTINOPLE, March 15.—Information from various points in the Provinces of Sivas, Harpoot, Diarbekr, Bitlis, and Van shows that the process of forcing Christians to become Moslems is still in active progress. While Christian worship is allowed to be held in most of the cities and large towns, in the villages throughout the six provinces of the reform scheme it is in practice prohibited.

In twenty-eight villages in the District of Harpoot at last accounts there had been no

Christian worship held since the first week in November. This abolition of Christian worship among a Christian people is at least connived at by the imperial authorities for they do nothing to protect the worshippers from the attacks of the Mohammedans, who declare that it shall no more be allowed. The abolition of worship is simply a part of the scheme to abolish Christianity.

The name of the Rev. Hagop Abouhagatian, pastor of the Protestant church at Oorfa, in the Province of Aleppo, must be added to the long list of Protestant clergymen who have died as martyrs during the recent massacres. He was an able and devoted man, a graduate of the University of Leipsic. He was murdered Dec. 29, when the second massacre, this time of over 4,000 Christians, took place at Oorfa.

Later news from Harpoot shows that in that village, at least, some sort of orders have gone out to discountenance the forced conversions. When the authorities from Harpoot telegraphed to Constantinople for instructions, the reply came: "Do not use force to convert." The local Governor interpreted the orders liberally, and even announced that every one was to return. In one quarter of Harpoot all the Christians had been converted.

In Ksehmen a certain well-known Sheik, ten days after the heat of the outbreak, murdered forty persons in cold blood at the door of the church. He invited all the leading Christians to a conference. Some feared and hid; about sixty, however, assembled in the church, when the door was locked upon them, and then, under the lead of this Sheik, the Moslems brought out these men one at a time. Forty refused to accept Islam and were killed.

There are 15,000 forced converts in the Province of Harpoot alone, and 40,000, in the whole region devastated by the massacres.

The general character of the outrage and the uniformity of its methods and the apathy of the officials when appeared to for redress, all give color to the impression that there is a fiendish purpose in the degradation of womanhood among the Christian communities. A systematic debauchery of Christian women is carried on in nearly all the devastated districts. It is as if the Turks wish to make sure that the women, always conservative in matters of religion, shall lose their self-respect and the grounds of their religious hope. They therefore seize the Christian women, day after day and week after week.

At Tamzara, in the Province of Sivas, all the men were killed in the massacres early in November. From a well-to-do Armenian population of 1,500 all that now remain in this village are about 300 starving and half-naked women and children. Trustworthy information from this place says that the most horrible feature of the situation of these Armenian women and orphaned girls is that passing Turkish soldiers and Turkish travelers attack them in their homes without hesitation.

From Megere, the seat of government of the Province of Harpoot, information declares that the same license exists in that province also. Within earshot of the Governor General's palace Mohammedan young men have broken into Christian houses by night, and the officials have refused to take notice of the abomination.

Because they are Christians the Turkish officials will not protect these women, but do protect their aggressors every time a complaint is made.

The purpose to abolish Christianity is pressed forward with the whole force of the Government by the indirect means of depriving the Christian communities of their men of influence who have survived the massacres. In every town or city where the massacres occurred arrests of such men are now in progress. No charges are preferred against the men arrested. They are arrested simply at the will of the Governor. The communities are thus deprived of their natural advisers and remain a prey to any enterprise which the petty officials of the Government or the Imams of the Moslem hierarchy choose to inaugurate against them. At Aintab one of the Protestant pastors, and at Marash two of the pastors, are thus kept in prison without reason and against all right and law.

□ 2050

GENERAL LEAVE

Mr. EDGAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MORATORIUM ON FINANCIAL RESPONSIBILITY REQUIREMENTS FOR CERTAIN HAZARDOUS WASTE FACILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BROYHILL] is recognized for 30 minutes.

Mr. BROYHILL. Mr. Speaker, today I am pleased to introduce legislation, along with Mr. TAUZIN, Mr. LOTT, Mr. SHELBY, Mr. GINGRICH, Mr. DOWDY, Mrs. JOHNSON, Mr. NICHOLS, and Mrs. SMITH of Nebraska, that will provide a 2-year moratorium for certain hazardous waste facilities to comply with the financial responsibility requirements under the Solid Waste Disposal Act. If this legislation is not enacted, many businesses will be forced to shut down, despite their good faith efforts to demonstrate financial responsibility, and despite their compliance with groundwater monitoring requirements. Let me explain.

Last year, Congress passed the Hazardous Waste Control and Enforcement Act, which the President signed into law on November 8, 1984. This legislation was designed to amend and improve the manner in which we handle the treatment, storage, and disposal of solid waste. One of the provisions of that law required all land disposal facilities to certify by November 8, 1985, that they were in compliance with both the groundwater monitoring regulations as well as the financial responsibility requirements promulgated under the Solid Waste Disposal Act. Failure to so certify would result in the closure of the land disposal facility.

I am advised by the EPA that since the time this legislation was enacted into law—less than 1 year ago—insurance has become unavailable for pollution risks. It is, therefore, impossible for many land disposal facilities to obtain the insurance they need to comply with the financial responsibility requirements. If they cannot comply with the financial responsibility requirements, these facilities will have to close.

Mr. Speaker, it is clear that there is a great inequity here. Through no fault of their own, these facilities will have to close even though the only reason they cannot comply with the law is due to problems in the insurance industry over which they have no control. They will have to close even though they have worked hard to comply with the important groundwater monitoring regulations. If we allow this to happen, we will be penalizing those very businesses that have devoted time and money to comply with the groundwater regulations. Furthermore, by forcing these businesses to close, we will destroy their financial ability to properly manage the hazardous wastes remaining in their land disposal facilities. We cannot allow this to happen.

Mr. Speaker, let me make clear that this legislation does not weaken the requirement that all land disposal facilities be able to certify compliance with the groundwater monitoring requirements as of November 8, 1985. Beyond that, this moratorium is only a means to an end. It simply affords Congress the time needed to get a handle on, and hopefully resolve, the underlying problem—the unavailability of liability insurance. I would note for the benefit of my colleagues that this insurance problem affects more than these particular businesses, and I hope that the Congress will quickly focus its attention on the broader insurance problem facing this Nation.

EPA has recently advised me that there is no way to avoid the unintended impact of the current law other than by congressional action. I urge my colleagues to join me in supporting the legislation I am introducing today and to work toward immediate passage of this legislation.

Mr. Speaker, the text of this legislation follows:

H.R. 9692

A bill to modify the deadlines applicable to hazardous waste disposal facilities required to certify compliance with certain financial responsiblity requirements under the Solid Waste Disposal Act

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

SECTION 1. CERTIFICATION OF COMPLIANCE WITH FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) EXTENSION FOR CERTAIN FACILITIES.—In the case of a facility described in subsection (b), notwithstanding the failure of the owner or operator of the facility to file for the determination and make the certification referred to in section 3005(e)(2) of that Act, the interim status of such facility under section 3005(e) shall not terminate on November 8, 1985. The interim status of such facility shall terminate 4 months after the enactment of this Act unless the owner or operator of the facility (before the end of

such 4-month period) takes each of the following action:

(1) Applies for the determination referred to in section 3005(e)(2)(A) of such Act.

(2) Certifies that such facility (A) is in compliance with all applicable groundwater monitoring requirements under subtitle C of such Act and (B) was in compliance with such requirements as of November 8, 1985.

(3) Certifies that such facility meets at least one of the criteria set forth in subsection (b) of this section.

The interim status of each such facility shall terminate on November 8, 1987, unless the owner or operator of the facility certifies (before such date) that such facility is in compliance with all applicable financial responsibility requirements under subtitle C of the Solid Waste Disposal Act. No facility shall be treated as operating in violation of the provisions of section 3005(e)(2) of the Solid Waste Disposal Act during the period between November 8, 1985 and the date 4 months after the enactment of this Act solely by reason of the failure of such facility to comply with such provisions before November 8, 1985.

(b) FACILITIES COVERED.—Subsection (a) shall apply to any facility used for land disposal of hazardous waste which has been operating pursuant to interim status under section 3005(e) of the Solid Waste Disposal Act if the facility satisfies at least one of the following criteria within the 4-month period specified in subsection (a):

(1) The owner or operator of the facility demonstrated before November 8, 1984, that the facility complied with all applicable financial responsibility requirements under subtitle C of the Solid Waste Disposal Act but insurance policies on which such compliance was based were cancelled after such date (or the owner or operator received, after such date, a notice from the issuer of any such policy of the issuer's intent not to renew the policy).

(2) The owner or operator of the facility had sales or revenues of less than $5,000,000 for all lines of business in the fiscal year preceding July 15, 1982.

(3) The facility is located in a State for which an authorized State program was in effect under section 3006 of the Solid Waste Disposal Act and, under such program, financial responsibility requirements pursuant to the Solid Waste Disposal Act did not become effective before November 8, 1984.

(4) The owner or operator of the facility has demonstrated to the Administrator that he has made a good faith effort to obtain the insurance necessary to satisfy all applicable financial responsibility requirements pursuant to the Solid Waste Disposal Act and provides documentation of that effort which is satisfactory to the Administrator.

REFLECTIONS ON THE HANDLING OF THE MEDVID AFFAIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 60 minutes.

Mr. PEASE. Mr. Speaker, I rise today to bring to the attention of my colleagues in the House a situation regarding a young man, a sailor by the name of Medvid who twice tried to escape from a Soviet ship in the Mississippi River near New Orleans.

That ship was in the harbor in order to collect grain and take it back to the Soviet Union. While the ship was waiting in the harbor, this young sailor jumped overboard, 30 feet into the Mississippi, swam ashore, in order to escape into freedom, if you will.

He was returned to the ship not once but twice by our Immigration and Naturalization Service. It is rather clear now, after the event is over, that the event was mishandled by the Immigration and Naturalization Service, and also by the State Department. We do not know why the situation was mishandled, but we are confident that it was.

We are concerned that perhaps the Immigration and Naturalization Service, perhaps the State Department, was more concerned about keeping amicable relations with the Soviet Union on the eve of the summit between Mr. Gorbachev and President Reagan than it was with the human rights, with the freedom of this young Soviet sailor of Ukrainian descent.

I must say that if that was the motivation, if that sort of bureaucratic reasoning went into the decisions that were made to return sailor Medvid to his ship, those considerations have not been adopted by the American people; by Ukrainian Americans in particular and even more particularly by those in the United States, including one of my own constituents who believe that they may be related to this young sailor.

□ 2100

They have kept the situation alive. They have done everything in their power to get their Government to review the decision which forced this young sailor back to his ship.

I would like to take a few minutes to review the events that have happened in only the last 5 days regarding this case.

It was last Thursday, I believe, that Mr. Medvid was returned to his ship after having allegedly signed as statement for the INS that he wished to return to his home country.

But then the next morning, the interpreter who is working for the State Department and INS who did the interpreting between the U.S. officials and the sailor said that it was her feeling that he had categorically said that he wished to stay in the United States and to have asylum here.

That revelation by the interpreter caused a lot of concern on the part of a lot of Americans including myself and one of our colleagues, Representative FEIGHAN, from the neighboring 19th Congressional District in Ohio.

Accordingly, because of the confusion, Mr. FEIGHAN and I sent a telegram to President Reagan on Friday afternoon asking that the case be reopened on behalf of this young sailor. We have not heard an answer, I must say, from the White House. The White House acknowledged on Monday that it had received a telegram, said that we would receive in due course a reply; not, to my way of thinking, a very expeditious answer from the White House.

We were told, however, by the State Department that any hope of getting Mr. Medvid off the ship where he could be interviewed by United States officials would have to be done through Soviet officials here in the United States.

So on Monday, Mr. FEIGHAN and I dispatched a letter to Ambassador Dobrynin making an appeal to him that Soviet officials arrange to have sailor Medvid removed from the ship, again put in the custody of the United States officials so that he could make a decision and we could make certain in our own minds that he really did either wish to stay in the United States or wish to return to his home country.

A very interesting revelation came up over the weekend, and that is that three women, a mother and two daughters who are grown women, in my district and Mr. FEIGHAN's district believe that they may well be related, may be cousins of this young sailor. They have the same family name, they come from the same area of the Ukraine that the sailor is from, and that family, joined by Ukrainian Americans all across the country, have been engaged in the last 4 or 5 days in a heroic effort to see to it that this sailor's rights are fully protected and that this land of America, the home of the free and the brave, the Nation which has always welcomed the oppressed from other countries, does what is right by sailor Medvid.

That family went down to New Orleans on Monday to see what they could do about getting out to the ship. They actually formed a flotilla of small boats, went out to the Russian ship on Tuesday, and sought permission to go aboard and talk with the young sailor. They were denied.

At the same time, Ukrainian-American lawyers went into court here in Washington to seek permission or to seek an order from the court to keep the Soviet ship in United States waters and to get the sailor off that ship so that he could be interviewed by United States officials.

That court decision was not favorable to the plaintiffs, and, again, this morning we were in touch with my constituent, Mrs. Mary Filipovich of Wadsworth, OH, and they were trying a different tack, going into the local Federal court in New Orleans.

I have not yet heard the result of that appearance. In the meantime, Mr. Speaker, other things are happening. A hearing was held yesterday in the Subcommittee on Immigration in the

other body. In that hearing, it was perfectly clear, in fact I think it was admitted by the Immigration and Naturalization Service, that the case was simply bungled, it was mishandled, it should not have been handled the way it was.

There will be a hearing, I will announce to the House, tomorrow afternoon in the Subcommittee on Europe and the Middle East of this House of Representatives where a similar investigation will take place into the reasons why the State Department and the INS handled this case the way it did.

Congressman RITTER, our colleague from Pennsylvania, has been circulating for signatures today a resolution which he intends to introduce calling upon the President to do everything in his power not to let the Soviet ship leave United States waters until this matter is resolved. I have been circulating on the floor of the House a letter to the President carrying the same message. Over 70 of our colleagues have signed that letter so far.

In a late-breaking development, I understand that Senator HELMS of the other body has issued a subpoena calling for Mr. Medvid, the sailor, to appear before the committee of the other body on Friday of this week. It will be interesting to find out from a legal point of view whether or not a subpoena issued by the other body can do what the Federal courts and the administration choose not to do.

Time, Mr. Speaker, is of the essence in this case. My understanding is that the Soviet ship is taking on grain at the moment and could be ready to leave at any time.

I would ask Members of the body, of the House here, to join me in appealing to the President of the United States to take the actions within his power as President, as head of our executive branch, to see to it that the State Department and the Immigration and Naturalization Service reopen this case, examine it again, and try to make sure that simple justice prevails, that the sailor is again removed from the ship, is brought onshore to a neutral place, perhaps to the consulate of the Swiss Government, the Swiss Government being traditionally in world diplomacy a body to deal with international incidents in a fair and neutral way.

If the Soviets would agree, we could make a request that the sailor be taken off the ship, transferred to a neutral place like the Swiss Embassy, where he could be questioned, where he could be confronted with the American citizens from my district who believe that they are his cousins.

I believe that it could make a substantial difference in this young man's decision about his life, what lies ahead for him, if he were to, first of all, know that he was being questioned on neutral territory so that he could make a free and open decision, uncoerced by anybody. Second, it might make a difference to him if he knows that he has relatives in the United States who are concerned about him and who would help him to make an adjustment to life in our society if he were to make the decision to stay here.

Mr. Speaker, we do not know what his decision would be. Certainly that decision is up to him. It would be no more fair for us to coerce him into defecting than it would be for us to not give him the opportunity to make that decision freely, should he decide to do so.

Mr. Speaker, I would like, in conclusion, to read a few passages from the letter which went from the other body, signed by 41 Members of that body, to the President.

I understand that it went out a couple of days ago. This letter refers to what the signers view as an unconscionable miscarriage of justice, that is to say, the return of sailor Medvid to his ship. It refers to the fact that Dr. Irene Padoch, the interpreter hired by our Government to interpret the discussions between our officials and the sailor, said clearly, and I quote, "The INS officer became impatient and asked me to ask whether he, the sailor, wanted political asylum because he could only keep him here under those circumstances. I asked the sailor that, and he unhesitatingly responded, 'Yes.'" That is, yes, he did want asylum.

Yet the letter from the other body continues:

> Incredibly, in the middle of the night, U.S. officials attempted to return Medvid to the ship. En route back to his ship, Medvid jumped into the river a second time.
>
> There are many unanswered questions about this case. But Dr. Padoch gives the best explanation. In her affidavit, she states that "One of the agents told me that 'somebody goofed and that he should jump into the Mississippi himself.'"
>
> Mr. President, a life hangs in the balance because of that "goof." Even beyond that, however, what is at stake here are the very principles upon which this Nation is founded. How can we possibly turn away from the gates of freedom a brave man fleeing from heinous persecution? We cannot and we should not.
>
> We urge you to give this matter your immediate attention. If there are anxieties about disturbing the atmosphere before the summit, then surely an acceptable alternative would be to transfer Mr. Medvid to a neutral third nation, where he would be provided with an opportunity to recuperate, overcome any effects of drugs, and regather his thoughts. Then let him make a clear-headed decision, free from coercive pressures, about what he desires for his future.

Mr. Speaker, as I mentioned earlier, I do not know why the INS and the State Department were in such a hurry to close this case and why they now stonewall the situation and insist that the case is closed and that nothing can be done to reopen it. That does not seem to me to be carrying out justice as we know it in this country.

American citizens know better than that. They know that we as a nation can do better by the human rights of even one young sailor than that. They are asking their Government officials to do what can be done, clearly, and that is to insist that the Soviet officials give us another chance, give the family a chance to be reunited, to see this young man and to let him know that there are people in the United States who care for him.

So I hope the Members of the House will, over the next day or so, join me in doing everything possible to remind the President of the commitment of our Nation, including his administration, to human rights and that that means, if it means anything, that we have to observe and protect the human rights of every individual.

With that, Mr. Speaker, I yield back the balance of my time.

CHILDREN AND FAMILIES IN POVERTY: BEYOND THE STATISTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 30 minutes.

Mr. MILLER of California. Mr. Speaker and Members of the House, earlier this morning the Select Committee on Children, Youth and Families, which I have the privilege of chairing, held a hearing just a few blocks from this Nation's Capitol to give an opportunity to a number of individuals who are currently living their lives in poverty, attempting to raise their families in poverty, to give them a chance to tell Members of Congress what it is like on a day-to-day basis to be poor in America and to look into the eyes of your children and know that you are poor. And what kind of aspirations they had for themselves, for their families, for their children.

It is a rather tragic commentary on the United States of America that here within the shadow of the dome of the Capitol, just a few short blocks away, we had to listen to the tragic stories of these individuals, individuals who, in some instances, through no fault of their own, find that they were poor and find that they are the left-out in American society.

One of the tragic stories from 1980 to today is the dramatic increase in the number of poor people in America and especially the dramatic increase in the number of poor children in America.

□ 2115

In 1984, 12.9 million or 21 percent of all of the children in America were poor; 8.1 million of those children

were white, 4.3 million were black, 2.3 million were Hispanic children and 6.7 million or 52 percent of these impoverished children were female-headed single-parent households.

The poverty rate for children under 6 was 23.4 percent in 1984. For black children under 6, the poverty rate was 51.1 percent, the highest rate recorded by this group since the Census Bureau began collecting figures on this data in 1970.

The number of poor children increased to nearly 3.5 million between 1979 and 1983 and fell by 520,000 between 1983 and 1984. The decline between 1983 and 1984 was entirely among white children, although the poverty rate for white children, 16.1 percent, remains over 40 percent higher than in 1979.

Poverty rates for black children remained at an astonishing 46.2 percent between 1983 and 1984, and rose from 37.7 percent to almost 39 percent for Hispanic children.

The increase in poverty among children since 1979 included over 2 million children in male-headed families. During that period, poverty rates for male-headed families climbed faster than in female-headed families. Between 1959 and 1969, the child poverty rate in this country was cut in half, to a record low of 13.8 percent. By 1984, the child poverty rate had risen 50 percent above the 1969 level.

Mr. Speaker, I believe that this is an indictment of the Reaganomics program. I believe this is an indictment of the claim by this President of the United States to care about poor children. I believe this is an indictment of the promise of this President that he would maintain a safety net so the poorest of our country or, as he refers to them, the truly needy in America would not fall through it. In fact, the programs of this administration, unfortunately all too often agreed to by the Congress of the United States, has shredded that safety net so that millions of children in this country have simply hit the ground and have been irreparably damaged for as far as we can see into the future.

A child in a female-headed family in this country is 4 times as likely to be poor as one in a male-headed family. A black child is three times as likely to be poor as a white child.

Forty-five percent of all poor white children and 75 percent of all poor black children live in a female-headed single-parent family. By 1990, 3 million more children under the age of 10 will live in single-parent households, totaling almost 39 million children, a 48-percent increase in this decade, raising the percentage of children in such households to 23 percent of all children.

Nearly 40 percent of the families receiving AFDC in this country in 1982 reported earnings from incomes during that year. More than one-sixth of the poor children in 1983, 2.5 million, were in families with at least one full-time year-round worker. Again this takes away the myth that poor children are in poor families because the parents of these children prefer not to work but would prefer to rely on public welfare. The fact is that millions of these poor children are in families where one or both of their parents go to work every day for a good portion of that year but their wages in fact are so low for the hours that they work that this family still ends up poor at the end of the year.

I would like to tell Members of this Congress that it is these low income families that have their income taxes increased by 300 percent in over the last few years. It is these families that have seen a greater tax increase than any other segment of our society.

So I think we have got to understand that whether their parents work or they do not work, we find millions of children in a desperate situation, a desperate situation of poverty. I think while these figures that I have simply read to the Members of this body are an indictment of the programs that we have had to try and help these children, they are a much greater indictment of the actions that this Congress has taken to reduce the programs of support for these families who are trying to work and get out of poverty.

But there is something more important in the statistics that I have just read, and that is the human dimensions to understand that behind those statistics of the millions of children in poverty and the millions of families that are impoverished in the United States today, there are in fact individuals. This morning in the hearing that we held at Friendship House down at 6th and D Streets in Southeast Washington, we heard from Tweedy Williams, who is a parent in Washington, DC, who is now working, trying to stay off of welfare, but described to us the day-to-day combat that she has with the system and with the ability for her to provide the economic well-being for her family, where she went through a great deal of turmoil to try to get shelter and a decent place for her and her 1-year-old son, only to find out after she received that shelter that the person who owned the building in which she was living, in which she paid her rent, had not paid the mortgage for a good period of time. That building was foreclosed on and all of the tenants were evicted.

Once again, she found herself and her son out on the street. Fortunately, she was able to secure a place to live in a shelter for homeless in Bethesda and she unfortunately had to stay in that shelter for some 2 months. During that time, I say to the Members of this body, she was not sitting around that shelter. She was working two jobs to try to provide the income for her and her son. She was getting up at 5 o'clock in the morning to go to work, to work for $4 an hour, and, as she pointed out, at $4 an hour, at least 1 hour of her work had to be spent simply to pay for her carfare to and from work. In fact, it exceeded her hourly wage. She had to work an hour to get the carfare to go to her job.

I do not know if Members of the Senate who voted to eliminate the low-income programs when they voted on Gramm-Rudman today need carfare to go to work; but if they do, for them to achieve the amount of money necessary for them to pay the same carfare that Tweedy Williams has to pay to go to work, I believe that roughly at our salary, if you count the honorariums that Senators and Members of Congress get, they would have to work perhaps a minute, perhaps all of 3 minutes, to achieve that same carfare that Tweedy Williams had to achieve to get to work for a job that paid $4 an hour so she could raise her 1-year-old son.

When she concluded her testimony before us, she told us of her son. She said, "I don't want him to live in the kind of life I have had. I want his home to be filled with the things he needs and wants, and I pray that I can give them to him."

The committee also heard from Aletha Harris, who is a parent from Maryland. Aletha told us about trying to raise her children as a single parent. She told us of giving birth to her first child when she was 17 but her mother discouraged her from getting married because she felt that she was not prepared to go out into the world, and she asked that she finish school so that she could get a good job so she could go to work to raise her family. She talked about what it meant to live in a violent marriage with her spouse, who was chasing her and disturbing her in the middle of the night and beating on her door. She talked about what it was like to live, when she lost her job, on a welfare check of $282 a month, when her rent was $199, when there was $77 in food stamps and she had $6 left for the rest of the month, $6 for the next 30 days.

She talked about what it meant to try to provide for her children as she worked two jobs 16 hours a day and how she finally found a house, but when she moved into the house she found out that she still did not have transportation, so she had to walk 2 miles to pick up groceries at the store and to bring them back, and how many times she had to walk a mile to take her child to be cared for, her day-care mother, so she could continue to work. She talked about how her older child, her daughter, would have to walk through the cold to bring her

younger daughter home while she was still at work and the traumatic decision of whether or not to pay the electric bill or whether or not to pay the car bill because she needed a car so that she could keep her job.

She talked about not being able to pay the electric bill, so there was no heat in the house, and about ironing her clothes on top of the grill in her stove, about the big decision about whether or not to buy curtains so that she could have privacy for her and her family.

Mr. Speaker and Members of the House, very often we like to pretend that those people who are poor, those people who are impoverished in this country are lazy, that they really have no gumption, that if they really wanted to get ahead they could. Well, let me tell you the witnesses we heard this morning simply set that myth aside. I dare say they are working harder than most Members of this body in trying to keep their families together, and they are under far more pressure than any of us.

We also heard from a young man named Michael Jacobs. Michael Jacobs is 17 years old and he told this committee after being raised in a family of a rather difficult background, with a number of brothers and sisters who have gone to the Job Corps, one who has gone to prison, how somehow he was able to escape that because a man told him that an education was more important than selling dope and smoking grass and hanging out on corners, as he was doing when he was a very young child, how Michael Jacobs told this committee "that just don't get it," and how Michael Jacobs is going to school, trying to get his grades in order so that he can go to the University of Maryland.

Michael Jacobs is doing that with a number of strikes against him, but I think he convinced the members of this committee that he was trying, and they wished him well and they were taken quite aback by his sense of gumption, by his sense of the desire to participate in the American dream. As Michael said, "Success means having what I want, a decent job, it means to settle down with a family, a career and a college degree." When I was a kid I was raised by my mother and then she met a man named Lonnie, and they have been together for 12 or 13 years, "and he showed me what life was about, and he told me that to get an education was more important than hanging out on the corner selling drugs, that selling drugs was hurting others and I was killing other people when I sold it to them."

What Michael is saying is that even coming out of a cycle of poverty, he is willing to try and make it.

□ 2130

He is willing to move forward, as are the other witnesses that we heard from in the hearing; as was Tweedy Williams, as was Aletha Harris, as was Michael Jacobs, as was Stephanie Epps. Stephanie Epps is a 17-year-old youngster with two children who is in Cardozo High School here, who told us about getting up at 2:30 in the morning so she could study while the house was quiet because they live in a house with a great number of people. She told us how she came directly home from school so she could study while her grandmother watched her children, and how she hopes some day to have a house of her own, and how she was hoping that either she could learn the trade of a beautician or perhaps even get into the U.S. Army so that she could provide a means of support for her family.

But Stephanie Epps did not drop out of school. Stephanie Epps did not shirk her responsibilities. She accepted them with the support of her family, again a family that is deeply impoverished. They have tried to provide some semblance of support for Stephanie and her children so that she could go on and hopefully provide a better life for her child.

I guess what I am trying to say to the Members of this Congress is that we ought not to treat poor people in the country as them against us.

Very often members of the select committee say to me they want to have hearings on the success stories, why some people escape poverty and why some people do not; what is it that motivates people to leave the ghetto to get an education, and for those who do not.

But very often sometimes I think what these people are really telling me is they want to see somebody who models the notion of success as we would, the kind of life that we would.

I would say to Members of the Congress that had they been in this hearing today, I think they would have understood that for millions of poor people in this country success is a daily battle. It is not the notion of a college degree. It is not the notion of 5 years from today a career move. Success is being able to provide food for your family, shelter for your family. Success is hoping that you are not going out into the street on circumstances beyond your own control. Success is hoping that you will have enough money at the end of the month to make ends meet.

But I think the real success that the witnesses before the select committee told us about is somehow not letting that spirit die, the fact that you have drawn a difficult lot; that somehow you still aspire to make this world better for your children; that somehow you desire to have a better life for them. So you continue on as Tweedy Williams, Aletha Harris, Michael Jacobs, Stephanie Epps, Ana Mareno, and others who testified today do.

What I would like this Congress to understand is that these people have so very often said they would prefer not to be on public assistance. They spent a great deal of time this morning telling us how degrading it is to wait for that check, to have your whole life dependent upon whether that check arrives on time or does not arrive on time.

But they also understand that if they work 16 hours a day on two jobs, they are still going to be poor, and they need some resources to help them over the tough spots.

What they are saying is, "We're willing to go to work. We're willing to pull our load. We're willing to try to stay in school. But we may need some help for a period of time."

Now, what the Congress has answered with the proposal on Gramm-Rudman, what this administration has answered and this Congress, all too often, is that the moment you get a job after years on welfare, we are going to cut off all the resources to you.

The question really is, should we do that, or should we try to work with these people and stay with these people and bet on their success and, as they do better, we will withdraw some of these resources over a period of time to get them on their feet? Are we prepared to look at the dignity of these individuals and to treat them as individuals and to understand what their needs are? Or are we simply prepared to class them as the poor in this country, treat them as an abstract and go on about our business?

Tragically, most Members of this House and most Members of the other body will never get a chance to meet these people who testified today, and rarely will Members of this body or Members of the Senate go out and make an attempt to talk with these people and to understand, will they make an attempt to understand what it means to be poor in America every day, what it means to grow up poor in America.

But until that time, I would hope that they would understand that there are an awful lot of decent people in this country who happen to be poor, and there are an awful lot of people in this country who, if given the chance, will take the chance and make the most of it, and that this Government ought to be as compassionate as its citizens.

It is very interesting that in a recent poll in the Los Angeles Times, the overwhelming number of people polled in the Los Angeles area felt that this Government should do more to help poor children and to help those families in need.

But we do not find that in the Congress of the United States. I guess the reason for that may be that the country is a little bit nicer than the Congress of the United States, that perhaps the country is not as mean spirited as the Congress of the United States.

You know, we hear a lot of talk when we talk about balancing the budget, when we hear about cutting these programs to the poor. We hear about bold actions and tough actions. It does not take a great deal of toughness for Members of Congress in this institution, in this Chamber, to strike out against the poor in this Nation. We do not have to be very bold to strike out against poor children. It takes no great courage to rip the food stamps away from a very young child who has no other means of support, or for the elderly in this country that have now retired and retired into poverty and need that kind of help. It does not take a great deal of courage to kick the crutches out from the elderly in the Medicare Program or the poor in the Medicaid Program. That is not courage; those are acts of cowards. Those are acts of cowards, because when we take those actions, rarely will any Members of this Congress meet the victims of those actions. Rarely will they get an opportunity to talk to the mother who, because of the cuts in the WIC Program, the hundreds of thousands of mothers who are medically eligible because they are at risk of having a low birth weight baby, that has 40 times the chance of dying in the first year of life than a normal weight baby. Rarely will Members of this Congress talk to that mother about the denial of a few dollars a month in high protein food supplements so that we can get the weight of that baby up in the normal range.

We will not talk to that mother. We will not understand the tragedy that befalls a family that sees the birth of a newborn child only to be taken in to the intensive care wards of the hospitals of this Nation.

Unfortunately, not only is the policy with respect to the cutbacks in health care for the poor, nutrition for the poor, not only is it sad policy, but it also happens to be economically very foolish, because it is the very preventative actions in the delivery of health care and nutrition to the poorest people in this country that has the opportunity, according to study after study by the Reagan administration and the previous administration, to save this Government billions of dollars in health care costs. But we, rather, talk about the short-term goal of cutting a few people off of the program.

So I would hope, Mr. Speaker and Members of the House, that the next time we cavalierly talk about cutting programs to the poor, or as this body considers whether or not to exempt programs for the poor from the Gramm-Rudman proposal, when we consider whether or not to follow the cavalier actions of Members of the Senate, many of whom are millionaires, that they cavalierly threw aside the poor in this country, Democrats and Republicans alike, liberals and conservatives alike, I would hope that we would understand that the poor people in this Nation are not an abstraction, but they are very real people who live with the anguish of poverty on a day-to-day basis. On an hour-to-hour basis, they struggle.

□ 2140

Because they are poor does not mean that they do not get an opportunity to witness America society in the media, that they do not get an opportunity to see how the other half lives, and because they are poor does not mean that they are insensitive to the actions that we might take in this Congress; so I would hope that the Congress of the United States would quit striking out at the poor in this country. I would hope in fact that the Congress of the United States would try to do as we did a decade ago, and that is to try to work toward the eradication of poverty in this country.

Let me remind this Congress that in the decade between 1960 and 1970 the child poverty rate was 13.8 percent. Today it is in excess of 21 percent. Something is terribly wrong in this country when we condemn 13 million of our children to a life of poverty. It is not to suggest for a moment that all of that can be made up by the Federal Government, nor should it, but it is to suggest that absent meaningful Federal responses to this epidemic of child poverty in the United States we will simply not be able to roll back the number of children in poverty. We will simply not be able to make the gains on infant mortality that are so necessary, and we simply will not be able to liberate those children from the quite lives of desperation that the poor in this country lead so all too often and in all too great numbers.

So, Mr. Speaker, I appreciate this opportunity to share this morning's hearing with the Members of the House of Representatives, but it is also with some degree of shame that I have to tell you, as I did at the outset, that that hearing was held within the shadow of the dome of this great Capitol, that within the shadow of the dome of this great Capitol there are children in poverty who have little hope of ever escaping that poverty, and that is a national tragedy and the commitment of this Congress ought to be to eradicate poverty among children in this country.

POLITICAL ASYLUM FOR MIROSLAV MEDVID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RITTER] is recognized for 30 minutes.

Mr. RITTER. Mr. Speaker, the hour is late. It is late for us here in the Halls of the Congress, and it is late for a young Ukrainian seaman named Miroslav Medvid.

Mr. Speaker, it is with deep regret that I take to the floor of the House today to bring this message on behalf of Miroslav Medvid. The case of Miroslav Medvid should never have gotten to the point it has arrived at.

There is no doubt from all the information we have that a grievous error has been made, that a significant human tragedy is underway.

Mr. Speaker, we have in our power in this country the opportunity to avoid a continuation, indeed lifelong continuation of this tragedy.

We have in our power the opportunity to give Mr. Medvid the chance he never had.

I would like to recount the events leading up to the present and how the kind of appropriate rules, regulations, and procedures that are commonly afforded defectors political asylum were not afforded to Mr. Medvid, how they were avoided.

Now I am not saying that I have some knowledge of some conspiracy from on high to somehow save the summit from the destruction of one lonely, desperate man, but I do know that the kind of treatment that this man received in this country, on our sacred American soil, is not worthy of who we are, what we are, and what we stand for.

Mr. Medvid took in a little brown jar some legal documents, a watch, and according to witnesses something red. He took this little brown jar and jumped off the side of a great and large grain ship, grain-hauling ship. He jumped into the Mississippi River in near hurricane conditions and swam to shore. When he first came to shore the first American to see him was the owner of a jewelry store, Mr. Joseph Wyman.

I would like to read the affidavit of Mr. Joseph Wyman:

In the parish of Plaquemines, town of Belle Chasse, State of Louisiana.

I, Joseph Wyman, duly sworn, hereby give the following statement of my own free will and accord:

My name is Joseph Wyman and I reside in Belle Chasse, Louisiana. Today is November 1, 1985, and I am providing this statement to Orest A. Jejna of Phoenix, Arizona.

On October 24, 1985, a Thursday, at 7:30 to 8:00 p.m., I was closing my jewelry store when I noticed a man running up the parking lot. He ran to my nephew, Wayne Wyman.

My nephew asked me to come there because the man was speaking in a foreign language.

I then walked over to them and the man appeared very excited and I noticed that he was soaking wet. It was not raining that night. The man was babbling or trying to speak in a foreign language.

The only thing I was able to understand was "Novi Orlean". I understood this to mean New Orleans. I then understood the language to be some Eastern European dialect.

I then asked the man if he was Russian. He responded by beating his chest with his fist, and saying "Ukrainian".

The man appeared extremely nervous and kept looking south, the direction from which he came.

The man was dressed in the following manner: He had on brown shorts, blue pullover shirt, sneakers, and black socks.

The man was carrying a brown jar, which I later learned from my nephew contained the man's papers, watch, and a small red object.

I then spoke with my nephew and tried to calm the man down.

I then asked the man and said: "You, New Orleans". He said "Yes".

I asked him again, "You, defect, New Orleans".

The man responded "Yes."

I'm not sure if the man understood what I meant, but, based on the facts before me, I felt this man was trying to defect to the United States.

Based on my past experiences as a Jefferson Parish deputy sheriff, I felt this man was trying to defect to the United States.

I then asked my nephew to take the man to New Orleans where he wanted to go.

I then asked the man, "New Orleans?" and gestured, "Where".

He responded, "Policia."

My nephew agreed to take him to New Orleans and they both left in my nephew's car.

Approximately 3 to 5 minutes later, three men approached me and only one man spoke. Two of the men were tall and large and muscularly and the other one was of average height and weight.

One of the men asked me if I had seen a man walking around. I asked him, "Why?" He said, "one of our comrades fell overboard and may be hurt and wandering around looking for help."

At that time I felt it was in my best interest, that I told them, "No".

I knew these men were after him and I wanted to protect him. I personally felt they were after the man.

The statement I have provided above is true and accurate to the best of my knowledge.

Signed, Joseph H. Wyman.

Sworn to before me this first day of November, 1985.

George Pivach, local notary public.

Now I ask you, is there any shadow of a doubt of the impression and of the exchange of this man, this first witness to the young Ukrainian who came off the ship? Not in my mind.

I would now like to read from the affidavit provided by the nephew, Wayne Wyman. The interesting thing, if I might digress, is that these two individuals were the first individuals to see Miroslav Medvid, the young Ukrainian sailor. So their impression and their exchanges are awfully, awfully important.

In the Parish of Plaquemines, town of Belle Chasse, State of Louisiana.

I, Wayne Wyman, duly sworn, hereby give the following statement of my own free will and accord:

My name is Wayne Wyman, and I reside in Tarrytown, Louisiana, in the parish of Jefferson.

I have read the statement of my uncle, Joseph Wyman. I would like to reiterate the facts delineated in paragraphs 1 to 14, as being true and correct to the best of my knowledge.

Upon leaving the premises with the man who approached us in the parking lot, I then drove him to New Orleans.

After we left my uncle's jewelry shop, I was together with the man for about an hour.

During that hour, I tried to figure out where he wanted to go. The man picked up an envelope from my car seat and gestured that he wanted to write.

He then wrote the words "policia" in Latin letters, not in Cyrillic, which is either Russian or Ukranian, so he had some knowledge of English. He wrote the word "policia" on the center of the page. Then he wrote "Novi Orleans" below it, and drew a circle around the word "policia" and drew an arrow to the word "Orlean".

He then drew a line separating the page. On the upper right-hand corner, he wrote "USSR". He pointed to the "USSR" and tried to gesture that that is where he was from.

I said to him "I think you are trying to defect."

I don't believe he understood what I said, but I knew that's what he wanted to do.

I then drove him to the police station and left him there.

The man was pointing at the police station and motioned for me to stop—again indicating that he had some knowledge of English.

The man appeared to be of sound mind and body as best as I could tell. He even wrote my license plate number down. He also could understand some road signs.

Once we got to the police station, I let him get out of the car.

The man tried to thank me by shaking my hand and kissing it.

The brown jar the man had with him was left in my car which I gave to the Immigration and Naturalization Service. The brown jug contained legal papers, watch and something red.

The statement I have provided above is true and accurate to the best of my knowledge.

And so on and so forth.

Sworn to before me this first day of November, 1985. George Pivach.—

The local notary.

I mean, does someone jump off a ship to go swimming in a hurricane-driven river? Does someone jump off a ship with legal papers, a watch, and a little jar if he is not desiring to defect? No, there is no doubt, there is absolutely no doubt whatsoever that Miroslav Medvid was a defector.

□ 2155

He was taken to the police station. There, between the Border Patrol and INS, they eventually hooked him up to a Mrs. Irene Padoch, an elderly woman who lives in New York City, a long-distance contact. A long-distance line was developed between New Orleans and New York City.

I spoke personally with Irene Padoch. Irene Padock has since spoken to the press. Irene Padoch has since testified in court. In Irene Padoch's mind, there was no question, there was no doubt, that Miroslav Medvid was a defector. When asked by the Immigration and Naturalization Service did she think, from what she was talking about with the gentleman, that he wanted to defect, she said, "Yes, he is asking for asylum."

She mentioned other things that Miroslav Medvid said. She mentioned that he told her he wanted to live in an honest country. She mentioned that he told her that he was very much afraid to go back.

Irene Padoch told this to INS. Irene Padoch was told by INS that she would be called back in about an hour. Irene Padoch was never called back that night by INS. That night Miroslav Medvid, after a discussion with the Ukranian-speaking interpreter who told the Immigration and Naturalization Service that Miroslav Medvid wanted to defect, that night about 1 hour after Irene Padoch was asked to tell the man, "Do not worry. There will not come any harm to you. No one is going to hurt you," that night, 1 hour after the conversation, Miroslav Medvid was returned to the Soviet ship *Marshal Koniev.*

I ask you: Does that speak well for what the principles of the United States are? Does that speak well for what America stands for? I do not think it takes a genius to understand that our very own people helped to perpetrate a monstrous tragedy.

Let me describe how Miroslav Medvid was returned to the ship. The Immigration and Naturalization Service called the shipping company that does business with the Soviet line. The shipping company that does business with the Soviet line contacted the *Marshal Koniev.* Eight burly seamen came for Miroslav Medvid, who did not want to go back. They had to drag him, kicking and screaming, back to that ship. Very American.

Miroslav Medvid was on a launch and was about to board the Soviet ship when he jumped into the water and started swimming furiously for shore. At this time, however, the only people around were eight burly Soviet seamen in a launch. They went after him in the launch. They dragged him out of the water and they put him back on the Soviet ship.

Irene Padoch was never called. By the way, this was all happening at about 11:30, when Irene Padoch was called, to about 12:30 a.m. Friday morning. He was then brought back onto the ship in the early hours of Friday morning. The State Department claims, and this is bizarre, I find

this bizarre, but this is the claim, the State Department claims that they did not hear a darn thing until 3:40 p.m. Friday. In other words, here is an international incident growing, a Soviet defector, and the State Department does not hear a darn thing until nearly a day has passed. I think it is bizarre.

The State Department finds out and they send somebody out to the ship and they did a good job getting Miroslav Medvid off that ship. That was not easy. It took some doing. According to the President, the boarding party prepared to use force. I commend them. I think that showed some guts. However, what followed seems to me not to have shown very much guts at all. I hate to say it. I have some good friends at the State Department, but I am disappointed at what happened.

What followed is this: Miroslav Medvid was taken off the Soviet ship and he was taken to a Coast Guard cutter. All the time he was with a Soviet official. When he first came off, he was groggy, he was nauseous, he appeared to have been drugged. We found out from yesterday's Senate hearing, which was not told to us, by the way, it was not offered up to us, this information, but yesterday we found out he had tried to cut his wrists. Yes; he really did want to go back to the Soviet Union.

Then he was taken to a shore facility. He was given a good night's sleep. He was given a good breakfast. In the presence of Soviet officials, he did state his will to go back to the Soviet Union. The Soviet interpreter was not Ukrainian speaking. He was a Russian-speaking person, and there may have been some suspicions there to someone who, when asked whether he was Russian, beat his chest and said, "I am Ukrainian."

Miroslav Medvid spent 24 hours or more back on that ship before the State Department got to take him off. They heard about it at 3:40. They immediately send a man down to the New Orleans area where the ship was, and they took him off. I wonder what kind of deal was made when they took him off? Maybe we will never know. But 24 hours was spent aboard this Soviet ship, 24 hours of exposure to the KGB? Sure, they have KGB officers on these transports, to the political officer, to someone in charge of discipline. Sure.

At that point, after 24 hours, he needed more. He needed more than just an interview with a State Department officer, a Russian-speaking translator, in the presence of Soviet officials. He needed far more. He needed some cooling-off time. He needed some respite. He needed to be able somehow to cool down from the drugs and the threats, the probable drugs, the probable threats that he endured while back on that grain ship for 24 hours. But he did not get it. No. It was closed up and it was said, our State Department said, "We are satisfied this man wants to go home." If that man wants to go home, I am standing here a monkey's uncle. Nothing in his actions stated that he wanted to go home.

Here are some other things that we were never told. Miroslav Medvid, when asked why he jumped off the ship, by the Soviet authorities, said blandly, "I do not remember jumping off the ship." Miroslav Medvid was not in a position to speak freely.

Today a group of us who belong to the Helsinki Commission, a congressional commission composed for Members of the Senate and the House that oversees the Soviet behavior with respect to the Helsinki accords, held a press conference this morning. We displayed a letter which later this afternoon we delivered directly to the President. It was signed by all members of the Helsinki Commission. It stated:

DEAR MR. PRESIDENT: As members concerned with the issue of human rights, particularly in the Soviet Union, we respectfully request to meet with you to discuss the agenda for your meeting in Geneva.

It goes on to talk about human rights and the lack and the sorry state of accordance with those acts that the Soviet Union itself signed.

What Miroslav Medvid did, and his forcible return to the grain-hauling ship, was in direct violation of the Helsinki accords.

□ 2205

We also took another letter to the President today, and that was also signed by all of the members of the Helsinki Commission, and that asked the President to delay the return of Miroslav Medvid to the Soviet Union pending investigation of the facts of the case, and pending the opportunity of Miroslav Medvid to, on some neutral ground, regain his bearings, perhaps speak with Ukrainian Americans, removed from the environment of the threats, and to be able to come to a clear-headed decision on his future.

Earlier some 41 Senators sent a letter requesting essentially the same thing to the President. Another 10 or so Senators have signed that letter since it went over there.

We heard earlier this evening by the gentleman from Ohio [Mr. PEASE], who has a letter to the President that some 70 Members of the House have signed onto, that letter requesting essentially the same thing, some safe harbor, some time to think clearly, some contact with people who are nonthreatening, and give the man a chance. This man is a marked man if he goes back to the Soviet Union. His life is in danger. He will be made an example of.

Today, I and the cochairman of the Helsinki Commission introduced a congressional resolution and we asked essentially for the same thing, and we circulated this resolution. There are some 60-odd Members of the House who have signed onto this resolution. We expect another 100 in addition to that or so tomorrow.

I guess what I am saying is we represent the people here in the august body, and the Senators represent the people in that august body. And what the people are saying is that they believe enough in what America means, and what America stands for, that they are not willing to let this desperate soul be taken back to Lord only knows what awaits him in the Soviet Union.

Mr. Speaker, I urge my colleagues to join with the gentleman from Ohio [Mr. PEASE], on his letter, and to join with me and the gentleman from Maryland, [Mr. HOYER], in our congressional resolution so that we can bring this message loud and clear to the President of the United States, to the White House, to the administration officials who are responsible for this decision. It is important.

We intend at the summit to speak on behalf of the freedom of mankind. I am asking, and the dozens upon dozens of other Members of the Congress are asking that we speak before it is too late on behalf of the freedom of one man.

Not to do so would be a deep embarrassment to all of us.

Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RITTER for 30 minutes, today.

(The following Members (at the request of Mr. STRANG) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mr. MACK, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on November 7.

Mr. BROYHILL, for 30 minutes, today.

Mr. IRELAND, for 5 minutes, on November 7.

Mr. RINALDO, for 5 minutes, today.

(The following Members (at the request of Mr. GARCIA) to revise and extend their remarks and include extraneous material:)

Mr. RAY, for 5 minutes, today.

Ms. OAKAR, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BATES, for 5 minutes, today.

Mr. ECKART of Ohio, for 60 minutes, today.

Mr. PEASE, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.
Mr. LIPINSKI, for 60 minutes, on November 7.
Mr. DYMALLY, for 60 minutes, on November 12.
Mr. SKELTON, for 60 minutes, on November 13.
Mr. ECKART of Ohio, for 60 minutes, on November 14.
(The following Members (at the request of Mr. EDGAR) to revise and extend their remarks and include extraneous material:)
Mr. MILLER of California, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
Mr. ROE, following the remarks of Mr. BIAGGI on title I of H.R. 6, in the Committee of the Whole, today.
Mr. LIVINGSTON, in support of the Roe amendment to H.R. 6, in the Committee of the Whole, today.
(The following Members (at the request of Mr. STRANG) and to include extraneous matter:)
Mr. LUNGREN.
Mr. COURTER.
Mr. GILMAN in three instances.
Mr. THOMAS of California.
Mr. SHUMWAY.
Mr. MILLER of Ohio in three instances.
Mr. STRANG.
Mr. DAUB.
Mr. LEACH of Iowa.
Mr. CHANDLER.
Mr. LIGHTFOOT.
Mr. BARTON of Texas.
Mr. GEKAS.
Mr. GOODLING.
Mr. GINGRICH in three instances.
Mr. SOLOMON.
Mr. VANDER JAGT.
Mr. COBLE.
Mr. MICHEL in two instances.
Mr. BOULTER.
Mr. DIOGUARDI in two instances.
Mr. DENNY SMITH.
Mr. O'BRIEN.
Mr. LAGOMARSINO.
Mr. DORNAN of California in two instances.
Mr. MYERS of Indiana.
Mrs. JOHNSON.
(The following Members (at the request of Mr. GARCIA) and to include extraneous matter:)
Mr. MARKEY.
Mr. EDGAR.
Mr. LEVINE of California.
Mr. MURTHA.
Mr. WHEAT.
Mr. RUSSO.
Mr. OWENS in two instances.
Mr. PEPPER in two instances.
Mr. SHELBY in two instances.
Mr. RAHALL.
Mr. SOLARZ in four instances.
Mr. LIPINSKI.
Mr. FAZIO.
Mr. TRAFICANT.
Mr. WEISS.
Mr. FORD of Michigan in two instances.
Mr. FLORIO.
Mr. BORSKI.
Mr. KILDEE.
Mrs. BURTON of California.
Mr. ACKERMAN in two instances.
Mr. FOWLER.
Ms. MIKULSKI.
Mr. WAXMAN.
Mr. MANTON.
Mr. ANDERSON.
Mr. FASCELL.
Mr. SYNAR.
Mr. DWYER of New Jersey.
Mr. HAMILTON.
Mr. KOLTER.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1210. An act to authorize appropriations to the National Science Foundation for the fiscal year 1986, and for other purposes;

H.J. Res. 126. Joint resolution to designate the week of November 3, 1985, through November 9, 1985, as "National Drug Abuse Education Week"; and

H.J. Res. 282. Joint resolution designating the week beginning October 27, 1985, as "National Alopecia Areata Awareness Week."

ADJOURNMENT

Mr. RITTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Thursday, November 7, 1985, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2214. A letter from the Deputy Secretary for Programs and Commercial Activities, Department of the Army, transmitting notice of the decision to convert to contractor performance the commissary shelf stocking function at Ft. Stewart, GA, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2215. A letter from the Deputy Secretary for Programs and Commercial Activities, Department of the Army, transmitting notice of the decision to convert to contractor performance the commissary shelf stocking function at Hunter Airfield, GA, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2216. A letter from the Deputy Secretary for Programs and Commercial Activities, Department of the Army, transmitting notice of the decision to convert to contractor performance the installation support services at Yuma Proving Grounds, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2217. A letter from the Deputy Secretary for Programs and Commercial Activities, Department of the Army, transmitting notice of the decision to convert to contractor performance the facility engineering function at the Military Ocean Terminal, Bayonne, NJ, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2218. A letter from the Deputy Secretary for Programs and Commercial Activities, Department of the Army, transmitting notice of the decision to convert to contractor performance the commissary shelf stocking function at Ft. Sam Houston, TX, pursuant 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2219. A letter from the Secretary of Transportation, transmitting a report on progress toward completion of the Northeast Corridor improvement project, pursuant to Public Law 94-210, section 703(1)(D); to the Committee on Energy and Commerce.

2220. A letter from the Secretary of State, transmitting his determination that it is in the national interest to grant assistance to Costa Rica even though it is in default on loans made under the FAA, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

2221. A letter from the Under Secretary of State for Security Assistance, Science, and Technology, transmitting an arms sale proposal covering all sales and exports under the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

2222. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2223. A letter from the Assistant Secretary of the Interior for Indian Affairs, Bureau of Indian Affairs, transmitting a proposed plan for the use and distribution of the Wichita and Affiliated Tribe's judgment funds in Docket 371 and 372 before the U.S. Claims Court, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

2224. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Reclamation Project Act of August 4, 1939, to authorize modification of certain contracts, and for other purposes; to the Committee on Interior and Insular Affairs.

2225. A letter from the Comptroller General of the United States, transmitting a report on implementation of and research conducted under the Small Business Innovation Development Act of 1982 (GAO-RCED-86-13), pursuant to Public Law 97-219, section 6; jointly, to the Committees on Government Operations and Small Business.

2226. A letter from the Comptroller General of the United States, transmitting a report on Navy acquisition: SUBACS problems may adversely affect Navy attack submarine programs (GAO/NSIAD-86-12); jointly, to the Committees on Government Operations and Armed Services.

2227. A letter from the Chairman, National Advisory Committee on Oceans and Atmosphere, Department of Commerce, trans-

mitting a copy of the report entitled, "Shipping, Shipyards and Sealift: Issues of National Security and Federal Support"; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUGHES: Committee on the Judiciary. H.R. 3132. A bill to amend chapter 44, of title 18, United States Code, to regulate the manufacture, importation, and sale of armor piercing ammunition, and for other purposes; with amendments (Rept. 99-360). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER (for himself and Mr. DAUB):

H.R. 3688. A bill to restore to the Social Security Trust Funds and other Federal retirement funds losses resulting from noninvestments, redemptions, and disinvestments in connection with efforts to meet the public debt limit, and to amend title II of the Social Security Act to provide for future treatment of the OASDI trust funds in cases in which the public debt limit has been reached; to the Committee on Ways and Means.

By Mr. FORD of Tennessee:

H.R. 3689. A bill to restore to the Social Security Trust Funds and other Federal retirement funds losses resulting from noninvestments, redemptions, and disinvestments in connection with efforts to meet the public debt limit and to require prior approval of the Congress of any further disinvestment of such funds; jointly, to the Committees on Ways and Means and Rules.

By Mr. WEISS (for himself, Mr. WOLPE, Mr. SOLARZ, Mr. CROCKETT, Mr. GARCIA, Mr. STOKES, Mr. KASTENMEIER, Mr. LELAND, Mr. DIXON, Mr. FAUNTROY, Mr. MITCHELL, Mr. WHEAT, Mr. RANGEL, Mr. DYMALLY, Mr. TOWNS, Mr. DELLUMS, and Mrs. SCHROEDER):

H.R. 3690. A bill to prohibit assistance for military or paramilitary operations in Angola; jointly, to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence.

By Mr. BATES:

H.R. 3691. A bill to reorganize the investigations and counterintelligence functions of the Navy, and for other purposes; to the Committee on Armed Services.

By Mr. BROYHILL (for himself, Mr. TAUZIN, Mr. LOTT, Mr. SHELBY, Mr. GINGRICH, Mr. DOWDY of Mississippi, Mrs. JOHNSON, Mr. NICHOLS, and Mrs. SMITH of Nebraska):

H.R. 3692. A bill to modify the deadlines applicable to hazardous waste disposal facilities required to certify compliance with certain financial responsibility requirements under the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

By Mr. COBLE:

H.R. 3693. A bill to amend title 5 of the United States Code to reform the retirement provisions for Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. DAVIS:

H.R. 3694. A bill to restore to the Social Security Trust funds and other Federal retirement funds current and future losses in connection with efforts to meet the public debt limit; to the Committee on Ways and Means.

By Mr. EDWARDS of Oklahoma:

H.R. 3695. A bill to amend the Education Consolidation and Improvement Act of 1981 to require certain minimum standards of academic achievement and school administration, and for other purposes; to the Committee on Education and Labor.

By Mr. FORD of Michigan:

H.R. 3696. A bill to amend the Higher Education Act of 1965; to the Committee on Education and Labor.

H.R. 3697. A bill to amend the Higher Education Act of 1965; to the Committee on Education and Labor.

H.R. 3698. A bill to amend the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. LOWRY of Washington (for himself, Mr. BIAGGI, Mr. BOSCO, Mr. CALLAHAN, Mr. HERTEL of Michigan, Mr. DYSON, Mr. MANTON, Ms. MIKULSKI, Mr. HUGHES, Mr. OBERSTAR, Mr. BONKER, and Mr. ANDERSON):

H.R. 3699. A bill amending the Outer Continental Shelf Lands Act to make certain vessels considered points in the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FORD of Michigan (for himself, Mr. HAWKINS, Mr. BIAGGI, Mr. JEFFORDS, Mr. COLEMAN of Missouri, Mr. OWENS, Mr. WILLIAMS, Mr. HAYES, Mr. PERKINS, Mr. BRUCE, Mr. SOLARZ, Mr. DYMALLY, Mr. ECKART of Ohio, Mr. PENNY, Mr. ATKINS, Mr. GUNDERSON, Mr. MCKERNAN, Mr. HENRY, Mr. GOODLING, Mr. TAUKE, Mr. MARTINEZ, Mr. KILDEE, Mr. CHANDLER, Mr. CLAY, Mr. GAYDOS, Mr. MURPHY, Mr. BOUCHER, and Mrs. ROUKEMA):

H.R. 3700. A bill to amend and extend the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. PORTER:

H.R. 3701. A bill to suspend most-favored-nation treatment to Romania; to the Committee on Ways and Means.

By Mr. SHUMWAY:

H.R. 3702. A bill to confer U.S. citizenship posthumously on Rudolph Salli; to the Committee on Judiciary.

By Mr. WEBER:

H.R. 3703. A bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income for interest on agricultural savings certificates and interest on obligations of the farm credit system, and to allow States to issue tax-exempt agricultural bonds in excess of limits on the issuance of private activity bonds; to the Committee on Ways and Means.

By Mr. COBEY:

H.R. 3704. A bill to protect U.S. citizens and property from state-supported terrorism; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. ROSE:

H.R. 3705. A bill to modify the deadlines applicable to hazardous waste disposal facilities required to certify compliance with certain financial responsibility requirements under the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

By Mr. PEPPER:

H.J. Res. 444. Joint resolution to designate the week of March 3, 1986, to March 10, 1986, as National Back Awareness Week; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON (for himself and Mr. SHUSTER):

H.J. Res. 445. Joint resolution to designate the week of January 26, 1986, to February 1, 1986, as "Truck and Bus Safety Week"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE (for herself and Mr. MCKERNAN):

H.J. Res. 446. Joint resolution disapproving the decision of the President to deny import relief to the domestic shoe industry; to the Committee on Ways and Means.

By Mr. MICA (for himself, Ms. SNOWE, Mr. WEISS, Mr. MAVROULES, Mr. FASCELL, Mr. YATRON, Mr. WOLPE, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. LEVINE of California, Mr. ACKERMAN, Mr. MACKAY, Mr. UDALL, Mr. GARCIA, Mr. MACK, Mr. MCCAIN, Mr. BONKER, Mr. GILMAN, Mr. DANNEMEYER, Mr. LEACH of Iowa, Mr. BROOMFIELD, Mr. LAGOMARSINO, Mr. SILJANDER, Mr. SOLARZ, Mr. LANTOS, Mr. BERMAN, and Mr. FEIGHAN):

H. Con. Res. 228. Concurrent resolution condemning all acts of terrorism (including the hijacking of the *Achille Lauro* and the murder of Leon Klinghoffer) and calling for the creation of an international coordinating committee on terrorism and for proposals to protect Americans abroad, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROWLAND of Connecticut:

H. Con. Res. 229. Concurrent resolution expressing the sense of Congress that there should be no increase in individual income tax rates; to the Committee on Ways and Means.

By Mr. RODINO:

H. Con. Res. 230. Concurrent resolution authorizing printing of additional copies of the transcript of hearings entitled "1984: Civil Liberties and the National Security State"; to the Committee on House Administration.

By Mr. GAYDOS:

H. Res. 307. Resolution providing amounts from the contingent fund of the House for continuing expenses of investigations and studies by standing and select committees of the House from January 3, 1986, through March 31, 1986; to the Committee on House Administration.

By Mr. BOLAND:

H. Res. 308. Resolution authorizing printing of the proceedings of the portrait unveiling ceremony of the Honorable Jamie L. Whitten; to the Committee on House Administration.

By Mr. DORNAN of California:

H. Res. 309. Resolution relating to "National Day" greetings made by the President of the United States to the Chairman of the Communist Party of the Soviet Union and the people of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. RITTER (for himself and Mr. HOYER):

H. Res. 310. Resolution expressing the sense of the U.S. House of Representatives that Miroslav Medvid should not be allowed to be removed from the United States until

a complete investigation can determine whether he has been accorded all rights due him as a possible defector, and until he is accorded those rights; jointly, to the Committees on Judiciary and Foreign Affairs.

By Mr. DYMALLY:

H. Res. 311. Resolution expressing the sense of the House of Representatives that February 1986 should be observed as "Anti-apartheid Awareness Month"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 467: Mr. CROCKETT.

H.R. 479: Mr. BOSCO, Mr. SUNIA, Mr. SAXTON, and Mr. WEAVER.

H.R. 604: Mr. FAUNTROY.

H.R. 615: Mr. RAHALL, Mr. DURBIN, and Mr. BORSKI.

H.R. 864: Mr. EVANS of Illinois.

H.R. 1197: Mr. WRIGHT, Mr. LELAND, Mr. MARTINEZ, and Mr. DE LUGO.

H.R. 1284: Mrs. BURTON of California.

H.R. 1380: Mr. CONYERS.

H.R. 1524: Mrs. KENNELLY.

H.R. 1589: Ms. MIKULSKI.

H.R. 1875: Mr. YOUNG of Alaska, Mr. FROST, Mr. CONYERS, Mr. OWENS, Mr. CHAPPIE, Mr. STALLINGS, Mr. ROBINSON, Mr. ROTH, Mr. SWINDALL, Mr. KILDEE, and Mr. GEJDENSON.

H.R. 1877: Mr. CHAPPELL, Mr. BIAGGI, Mr. REID, Mr. ANDERSON, Mr. WIRTH, and Mr. HENRY.

H.R. 2001: Mr. GEJDENSON, Mr. REID, Mr. ATKINS, Mr. SMITH of Florida, Mr. BONER of Tennessee, Mr. DICKS, Mr. ZSCHAU, Mr. LOWERY of California, Mr. GUNDERSON, Mr. HUTTO, Mr. BERMAN, Mr. PETRI, Mr. SHARP, Mr. DANIEL, and Mr. LIPINSKI.

H.R. 2185: Mr. DASCHLE.

H.R. 2210: Mr. GRAY of Illinois.

H.R. 2277: Mr. EMERSON.

H.R. 2295: Mr. MANTON, Mr. CONYERS, Mr. MRAZEK, Mr. RANGEL, and Mr. SUNIA.

H.R. 2353: Mr. TORRICELLI.

H.R. 2591: Mr. SUNIA, Mr. PACKARD, Mr. WHEAT, Mr. SHAW, Mr. BURTON of Indiana, Mr. HARTNETT, Mr. ROWLAND of Connecticut, Mr. DICKINSON, Mr. CAMPBELL, Mr. TAUZIN, Mrs. LONG, Mr. LEHMAN of Florida, Mr. LELAND, Mr. MCHUGH, Mr. RALPH M. HALL, Mr. MITCHELL, Mr. SYNAR, Mr. TORRES, Mr. RICHARDSON, Mr. CHAPPIE, Mr. SCHEUER, Mr. CRAIG, Mr. MCCAIN, Mr. BREAUX, Mr. GORDON, Mr. STAGGERS, Mr. MCEWEN, Mr. SILJANDER, Mr. FAWELL, Mr. FRENZEL, Mr. FRANKLIN, Mr. BOULTER, Mr. COBLE, Mr. NATCHER, Mr. RODINO, Mr. SABO, and Mrs. SCHROEDER.

H.R. 2620: Mr. SHARP and Mr. GOODLING.

H.R. 2708: Mr. SUNIA and Mr. GALLO.

H.R. 2768: Mrs. BENTLEY.

H.R. 2943: Mr. BARNARD, Mr. WALGREN, Mr. WOLPE, Mrs. LLOYD, Mr. DARDEN and Mr. JEFFORDS.

H.R. 3006: Mr. GONZALEZ and Mr. HEFTEL of Hawaii.

H.R. 3090: Mr. MARKEY, Mr. WEISS and Mr. BARNES.

H.R. 3132: Mr. KILDEE.

H.R. 3136: Mr. FASCELL.

H.R. 3146: Mr. AUCOIN.

H.R. 3202: Mr. FOGLIETTA, Mr. CLINGER, and Mr. WOLPE.

H.R. 3211: Mr. SMITH of Florida.

H.R. 3237: Mr. SCHAEFER, Mr. BEVILL, and Mr. BURTON of Indiana.

H.R. 3263: Mr. BENNETT, Mr. WIRTH, and Mr. STAGGERS.

H.R. 3275: Mr. LUKEN.

H.R. 3291: Mr. WOLF and Mr. PARRIS.

H.R. 3296: Mr. TAUKE and Mr. MICA.

H.R. 3319: Mr. MATSUI.

H.R. 3328: Mr. OLIN, Mr. COELHO, and Ms. KAPTUR.

H.R. 3334: Mr. SHAW.

H.R. 3344: Mr. PANETTA, Mrs. BOGGS, and Mr. LUKEN.

H.R. 3349: Mr. WOLF, Mr. KOSTMAYER, Mr. LATTA, Mr. LAGOMARSINO, Mr. BEVILL, Mr. KINDNESS, Mr. DEWINE, Mr. MOAKLEY, and Mr. TOWNS.

H.R. 3371: Mr. BIAGGI and Mr. SWINDALL.

H.R. 3393: Mr. EDGAR, Mr. KOLTER, Mr. MATSUI, and Mr. WIRTH.

H.R. 3400: Mr. ANDERSON, Mrs. BENTLEY, Mr. DORNAN of California, Mr. GINGRICH, Mr. JEFFORDS, and Mr. MARTINEZ.

H.R. 3410: Mr. KOLBE, Mr. MONSON, and Mr. NIELSON of Utah.

H.R. 3459: Mr. WILSON, Mr. FROST, Mr. MCEWEN, Mr. MOLLOHAN, Mr. ORTIZ, and Mr. BUSTAMANTE.

H.R. 3474: Mr. STANGELAND and Mr. SUNIA.

H.R. 3484: Mr. LAFALCE.

H.R. 3488: Mr. SUNIA and Mr. WEISS.

H.R. 3521: Mr. NOWAK, Mr. FRANKLIN, and Mr. KINDNESS.

H.R. 3585: Mr. FISH, Mr. DARDEN, Mr. DAUB, and Mrs. SCHROEDER.

H.R. 3614: Mr. CLINGER.

H.R. 3654: Mr. SCHUMER, Mr. HOYER, and Mr. WIRTH.

H.R. 3660: Mr. MANTON.

H.R. 3661: Mr. BOLAND, Mr. DANNEMEYER, Mr. HUGHES, Mr. HUNTER Mr. MCCAIN, and Mr. THOMAS of Georgia.

H.R. 3665: Mr. STANGELAND.

H.J. Res. 20: Mr. OBERSTAR, Mr. LEWIS of California, Mr. SOLOMON, Mr. FUQUA, Mr. MACKAY, Mr. MONTGOMERY, Mr. COELHO, Mr. EDWARDS of Oklahoma, Mr. DOWDY of Mississippi, Mr. FASCELL, Mr. MCEWEN, Mr. LEHMAN of California, Mr. ROWLAND of Georgia, Mr. HILLIS, Mr. FORD of Tennessee, Mr. YOUNG of Florida, Mr. GIBBONS, Mr. SHELBY, Mr. JEFFORDS, Mr. TRAXLER, Mr. WIRTH, Mr. NELSON of Florida, Mr. LIVINGSTON, Mr. MICA, Mr. BENNETT, Mr. STAGGERS, Mr. HUTTO, Mr. CHAPPELL, Mr. DICKINSON, Mr. LUJAN, Mr. MOORE, Mr. SWEENEY, Mr. WYLIE, Mrs. VUCANOVICH, Mr. BARTLETT, Mr. LEHMAN, of Florida, Mr. PARRIS, Mr. SPENCE, and Mr. SILJANDER.

H.J. Res. 101: Mr. EVANS of Illinois, Mr. HATCHER, and Mr. TRAXLER.

H.J. Res. 127: Mr. SCHUMER, Mr. FUQUA, Mr. MCCAIN, Mr. CAMPBELL, Mr. YOUNG of Alaska, and Mr. CONYERS.

H.J. Res. 320: Mr. KOSTMAYER.

H.J. Res. 333: Mr. COOPER, Mr. CARR, Mr. KOSTMAYER, Mr. DELLUMS, Mr. CHAPMAN, Mr. MCKERNAN, Mr. BROOKS, Mr. JEFFORDS, Ms. MIKULSKI, Mr. MOAKLEY, Mr. ROBERT F. SMITH, Mr. TRAXLER, Mr. GREEN, Mr. HALL of Ohio, Mr. NELSON of Florida, and Mr. SMITH of New Hampshire.

H.J. Res. 385: Mrs. BENTLEY, Mr. MACKAY, Ms. SNOWE, Mr. RICHARDSON, Mr. LAFALCE, Mr. HORTON, Mr. HERTEL of Michigan, Mr. GEJDENSON, Mr. THOMAS of Georgia, Mr. MATSUI, Mr. DENNY SMITH, Mr. KOLTER, Mr. WYDEN, Mr. BEVILL, Mr. DERRICK, Mr. FAZIO, Mr. KEMP, Mr. DURBIN, Mr. DICKS, Mr. BONIOR of Michigan, Mr. DE LA GARZA, Mr. JONES of Tennessee, Mr. WATKINS, Mr. MURTHA, Mr. MILLER of California, Mr. EMERSON, Mr. YOUNG of Missouri, Mr. HOWARD, Mr. GINGRICH, Mr. OBEY, Mr. GRAY of Illinois, Mrs. BURTON of California, Mr. HUGHES, Mr. HOYER, Mr. LEVIN of Michigan, Mr. COELHO, Mr. DOWNEY of New York, Mr. STOKES, and Mr. WALGREN.

H.J. Res. 421: Mr. EMERSON, Mr. RICHARDSON, Mr. CARPER, Mr. BENNETT, Mr. GEPHARDT, and Mr. BEVILL.

H.J. Res. 428: Mr. BROYHILL, Mr. NATCHER, Mr. STENHOLM, Mr. MITCHELL, Mr. NOWAK, Mr. VOLKMER, Mr. SWINDALL, and Mr. HENRY.

H. Con. Res. 194: Mr. DURBIN, Mr. THOMAS of Georgia, Mr. DAUB, Mr. BURTON of Indiana, Mr. GARCIA, and Mr. HORTON.

H. Con. Res. 221: Mr. UDALL, Mr. MCKERNAN, Mr. BOLAND, Mr. WEISS, Mr. HOWARD, Mrs. BOXER, Mr. MITCHELL, Mr. SMITH of Florida, Ms. KAPTUR, and Mr. LAGOMARSINO.

H. Res. 188: Mr. STENHOLM, and Mr. GUARINI.

H. Res. 245: Mr. ANDERSON, Mr. BADHAM, Mr. BIAGGI, Mr. BLILEY, Mr. CAMPBELL, Mr. COOPER, Mr. COYNE, Mr. DAUB, Mr. ENGLISH, Mr. GAYDOS, Mr. HEFTEL of Hawaii, Mr. JACOBS, Mr. LELAND, Mr. LIVINGSTON, Mrs. LLOYD, Mrs. LONG, Mr. MCEWEN, Mr. PICKLE, Mr. SHAW, Mr. SMITH of New Hampshire, Mr. YOUNG of Florida, and Mr. WEBER.

H. Res. 274: Mr. HUTTO.

H. Res. 275: Mr. HUTTO.

H. Res. 276: Mr. HUTTO.

H. Res. 285: Mr. HUTTO.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1616

By Mr. JEFFORDS:

—Page 9, after line 21, insert the following new section (and redesignate the succeeding section accordingly).

SEC. 10. WORKER READJUSTMENT AND PLACEMENT SERVICE.

(a) REGIONAL ASSISTANCE.—The Secretary shall identify individuals, who shall include but not be limited to employees of the Department of Labor, who shall be available on a regional basis to provide planning, operational, and technical assistance to worker readjustment and placement committees described in subsection (b).

(b) WORKER READJUSTMENT COMMITTEES.—(1) A worker readjustment and placement committee may be established by an employer who has provided notice as required under section 3.

(2) The purpose of the committee shall be to facilitate and coordinate the readjustment or relocation of the workers through retraining, counseling, placement, human resource, community, education, and other services.

(3)(A) The committee shall be composed of the employer or the employer's representative, representatives of the affected employees, and any other individual selected by mutual agreement between such parties.

(B) In any case in which there is no such employee representative, employees shall choose individual employees to represent them on the committee.

(c) FINANCIAL ASSISTANCE.—(1) Subject to funds made available for such purpose, including funds from other applicable programs, the Secretary may provide financial assistance, to any worker readjustment and placement committee.

(2) Such assistance may not exceed—

(A) 50 percent of the operating costs of the committee; and

(B) 50 percent of the costs incurred by the committee is relocating affected employees.

(d) REGULATIONS.—The Secretary shall prescribe regulations establishing conditions and requirements for eligibility by worker readjustment and placement committees to the financial assistance authorized in subsection (c).

(e) VOLUNTARY PARTICIPATION.—Formation of and participation in worker readjustment and placement committees by any employer, employee representative, or employee shall be completely voluntary.

(f) NO DISCRIMINATION BASED ON EMPLOYEE REPRESENTATION.—In administering the assistance authorized under this section, the Secretary shall not discriminate on the basis of employee representation or the lack thereof.

(g) ASSISTANCE MAY NOT BE CONDITIONED ON ACCEPTANCE OF SECRETARY'S ADVICE.—In no case shall the continuation of assistance under this section be conditioned upon the acceptance of any advice or recommendation offered to a worker readjustment and placement committee by the Secretary or the Secretary's representative.

H.R. 6

By Mr. BEREUTER:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3670).)

—After Sec. 1199K of title XI, add the following new section:

SEC. . (1) It is the intention of Congress that no local cost-sharing shall apply to the design, construction, operation or maintenance of streambank stabilization and river preservation structures on rivers designated and protected under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) or any subsequent act.

(2) Notwithstanding any other provision of law, the Secretary shall waive all local cost-sharing requirements relating to the Missouri National Recreational Project, Nebraska and South Dakota as authorized in Sec. 707 of Public Law 95-625.

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