

practical ways to help clean up the lake.

Mr. Speaker, I support the efforts to clean up Lake Pontchartrain and urge all of my colleagues to join me in supporting this bipartisan legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER), the author and champion of the legislation and, again, in his very first year in Congress.

Mr. VITTER. Mr. Speaker, I rise in strong support of my legislation, H.R. 4470. In 2000, Congress passed the Lake Pontchartrain Basin Restoration Act by an overwhelming margin. The purpose of the legislation was to give Lake Pontchartrain the same status as the Great Lakes and the Florida Everglades in their restoration efforts.

In addition, this legislation also created a real and innovative partnership between the Federal Government and local Louisiana stakeholders to further efforts to clean up the lake. This was the first step in achieving the ultimate goal of fully restoring the lake.

The basin is a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana as well as four counties in the State of Mississippi. It is the second largest lake in the United States after the Great Lakes, and its 1.5 million residents in the whole basin make it the most populated part of Louisiana.

Since we first passed this legislation in 2000, a great deal has been done. There has been real and clearly monitored improvement in water clarity in Lake Pontchartrain. "No swimming" signs are coming down as water quality improves and beaches are reopened. But more work remains to be done.

We have come so far. Various water quality studies have been conducted. These studies provide keys to solutions, pointing us in the right direction in the future. But now we must continue that work and also move on to the next stage of that vital work, which includes actual construction of key projects.

Mr. Speaker, this legislation would move on to that next phase with the reauthorization of the program for fiscal years 2005 to 2010. It was reported unanimously from both the subcommittee and the committee with bipartisan support. I urge all of my colleagues to vote in favor of it.

Mr. Speaker, I thank all of the Members of the committee, particularly the chairman, the ranking member, and also the chair and ranking member of the relevant subcommittee, for all of their work in passing this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4470. The bill extends the authorization of appropriations for the Environmental Protection Agency's (EPA) Lake Pontchartrain Basin Restoration Program. Since its establishment in 2000, this program has helped coordinate restoration work for Lake Pontchartrain, in southeastern Louisiana.

This legislation authorizes \$99 million through 2010 for restoration projects and studies recommended by the Lake Pontchartrain Management Conference, public education projects to inform the local community of public health concerns, and practical ways to help clean up the Lake. It also clarifies the status of the Management Conference so that protection of Lake Pontchartrain can proceed expeditiously.

I support the bill, and urge all Members to join me in that support.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4470, as amended.

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

A motion to reconsider was laid on the table.

TIJUANA RIVER VALLEY ESTUARY AND BEACH SEWAGE CLEANUP ACT OF 2000 AMENDMENT

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4794) to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4794

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

SECTION 1. ACTIONS TO BE TAKEN.

(a) SECONDARY TREATMENT.—Section 804(a)(1) of the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 (22 U.S.C. 277d-44(a)(1); 114 Stat. 1978) is amended by striking "Subject to" and all that follows through "of this Act," and inserting "Pursuant to Treaty Minute 311 to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944."

(b) CONTRACT.—Section 804(c) of such Act is amended as follows:

(1) By striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Notwithstanding any provision of Federal procurement law, the Commission may enter into a multiyear fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract, subject to the availability of appropriations and subject to the terms of paragraph (2)."

(2) In paragraph (2)(I) by striking "with such annual payment" and all that follows through the period at the end and inserting "including costs associated with the purchase of any insurance or other financial instrument under subparagraph (K). Costs associated with the purchase of such insurance or other financial instrument may be amortized over the term of the contract."

(3) In paragraph (2) by redesignating subparagraphs (J) through (P) as subparagraphs (L) through (R), respectively, and by inserting after subparagraph (I) the following:

"(J) Neither the Commission nor the United States Government shall be liable for payment of any cancellation fees if the Commission cancels the contract.

"(K) The owner of the Mexican facility may purchase insurance or other financial instrument to cover the risk of cancellation of the contract by the Commission. Any such insurance or other financial instrument shall not be provided or guaranteed by the United States Government, and the Government may reserve the right to validate independently the reasonableness of the premium when negotiating the annual service fee with the owner."

(4) By striking paragraphs (2)(L) and (2)(M) (as redesignated by paragraph (3) of this subsection) and inserting the following:

"(L) Transfer of ownership of the Mexican facility to an appropriate governmental entity, other than the United States, if the Commission cancels the contract.

"(M) Transfer of ownership of the Mexican facility to an appropriate governmental entity, other than the United States, if the owner of the Mexican facility fails to perform under the contract."

(5) In paragraph (2)(N) (as redesignated by paragraph (3) of this subsection) by inserting after "competitive procedures" the following: "under applicable law".

SEC. 2. IMPLEMENTATION OF NEW TREATY MINUTE.

Section 805 of the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 (22 U.S.C. 277d-45; 114 Stat. 1980) is amended—

(1) in the section heading striking "negotiation of"; and

(2) by adding at the end the following:

"(c) IMPLEMENTATION.—In light of the continuing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Commission is requested to give the highest priority to the implementation of Treaty Minute 311 to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944, which establishes a framework for the siting of a treatment facility in Mexico to provide for the secondary treatment of effluent from the IWTP at the Mexican facility, to provide for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, and to meet the water quality standards of Mexico, the United States, and the State of California consistent with the provisions of this title, in order that the other provisions of this title to address such pollution may be implemented as soon as possible."

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 806 of the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 (22 U.S.C. 277d-46; 114 Stat. 1981) is amended by striking "a total of \$156,000,000 for fiscal years 2001 through 2005" and inserting "such sums as may be necessary".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4794, to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000.

For years the United States Congress has been trying to address a public health and environmental problem that exists along the U.S.-Mexican border. Raw or partially treated sewage from the Tijuana, Mexico area flows spot United States and ends up on California beaches.

In 2000, Congress addressed this problem by authorizing the United States to contract with a plant in Mexico for waste water treatment services that would meet the clean water standards. That law required the United States and Mexico to negotiate a new treaty. That negotiation was completed in February of this year. Now the United States must negotiate a contract.

It is my understanding that those negotiations are finally underway, but before a contract can be signed, the Tijuana Valley Estuary and Beach Sewage Cleanup Act authorization must be extended and updated. H.R. 4794 provides that authority.

I want to congratulate and commend the gentleman from California (Mr. HUNTER), the gentleman from California (Mr. FILNER), the gentleman from California (Mr. CUNNINGHAM), the gentleman from California (Mr. ISSA) and the gentlewoman from California (Mrs. DAVIS) for their persistence. This is a good piece of legislation. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4794. This critical bipartisan bill would reauthorize and update legislation to address the ongoing problem of sewage that migrates across the U.S.-Mexican border into the waters off of San Diego, California. In light of recent efforts of the International Boundary Water Commission to successfully negotiate a treaty minute on this issue, the Committee on Transportation and Infrastructure, working with the gentleman from California (Mr. FILNER) and the gentleman from California (Mr. HUNTER), developed this legislation to amend existing law to reflect the terms of the new treaty minute.

Other than annual appropriations, this legislation should be the last legislative hurdle necessary for the construction of the treatment facilities to protect the public and the ecological health of the San Diego region.

I commend our committee colleague the gentleman from California (Mr. FILNER) who first brought this issue to our committee's attention in the 106th Congress, as well as my friend the gentleman from California (Mr. HUNTER) for their efforts in pursuing this legislation.

Mr. Speaker, time is of the essence for this legislation. The United States will face court-ordered sanctions unless we get about the business of cleaning up this sewage. But even more importantly, every day's delay is another day that the United States citizens are

faced with raw sewage in the river and off the California coast. It is time for our work to begin and for this project to move forward.

Mr. Speaker, I strongly urge this legislation and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. HUNTER), one of the champions of this legislation.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) for managing this bill. I think they have described it very well, the problem that we have with pollution that sweeps north on to California beaches. Not only is it a public health hazard and one that accrues to the detriment of thousands and thousands of families in the San Diego region, but also has a major impact on our economy. This situation of polluted beaches from raw sewage costs us in excess of some \$15 million a year.

In an attempt to look for a better way to address this border sewage problem, the House and the Tijuana River Estuary and Beach Cleanup Act, P.L. 106-457, authorized what we thought was a cutting edge concept involving a public-private partnership approach that will save taxpayer money and ensure that a wastewater treatment facility is brought online as quickly as possible and in complete compliance with the U.S. Clean Water Act regulations.

OMB has certified, incidentally, that the public-private partnership approach will save significant funds over a similar plant built and operated by the Federal Government.

So this is a new approach, Mr. Speaker, but we think it is going to work and work very effectively.

Since the passage of P.L. 106-457, the IBWC, the International Boundary and Water Commission, has completed treaty minute negotiations with Mexico and has begun the process of addressing this decades old problem. As a result, in order to ensure that the project continues to move forward expeditiously, all of us in the San Diego congressional delegation introduced H.R. 4794, which has been well described as the Tijuana River Estuary and Beach Cleanup Reauthorization Act.

This legislation will make necessary technical corrections to the base law to address changing circumstances and bring the law into line with the binational treaty that was negotiated. So this is what we need to get this project moving.

We want to thank all of our friends and good colleagues who have worked on this, including the gentleman from Alaska (Chairman YOUNG) and the subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), as well as the ranking members, the gen-

tleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. COSTELLO), for their help and guidance with this very important bipartisan legislation. The bill represents a real victory for the citizens of San Diego and for the taxpayers.

Mr. Speaker, I urge all my colleagues to strongly support its passage and, again, to the gentlemen managing the bill, I thank them very much for their support.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4794. The bill amends legislation enacted in 2000 to address the continuing problem of untreated or partially treated sewage that migrates across the U.S.-Mexican border into the waters off San Diego, California.

Since the original legislation in 2000, the United States, acting through the International Boundary Waters Commission (IBWC), has successfully negotiated an agreement with Mexico on implementing a bi-national effort to address this problem. The bill makes minor changes to reflect those discussions, and provides an updated authorization level to allow for the construction of the wastewater treatment facility, as contemplated in 2000. It also addresses an interpretation by the Office of Management and Budget that was contrary to the original intent of the Committee on Transportation and Infrastructure when the bill was first developed.

When this bill is enacted, it should create all the authority necessary for the construction of treatment facilities to protect the public and the ecological health of the San Diego region.

I commend our Committee colleague, Mr. FILNER, who first brought this issue to the Committee's attention in the 106th Congress, for his efforts in pursuing this legislation.

I support the bill and urge an "aye" vote.

Mrs. DAVIS of California. Mr. Speaker, I rise in strong support of H.R. 4794, which will amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to bring it up to date to include the International Boundary and Water Commission Treaty Minute No. 311 between the United States and Mexico. Reauthorization will pave the way for an ultimate solution to the long-standing problem of sewage outfall that pollutes the Tijuana River Valley Estuary and the precious beaches of Imperial Beach.

Located on the southwest corner of the United States, Imperial Beach offers its residents and visitors an exceptional coastal experience situated as it is between the wonderful Tijuana Estuary natural wetlands and bird habitat and the mighty Pacific Ocean.

Unfortunately, the metropolitan area of Tijuana and San Diego has grown well beyond the existing capacity to provide for the current sewage volume and allow a healthy and safe environment for the population along the border.

The 2000 Act provided the framework for improving the existing South Bay International Wastewater Treatment Plant, which was constructed by the International Boundary and Water Commission following authorization in a 1987 Water Quality Act. However, the plant was only built to advanced primary standards and not to the required secondary treatment standard as required by the law.

Since that time, the rapid growth in the metropolitan region has resulted in a frequent flow

of untreated or partially treated sewage through the Tijuana River, which flows north from Tijuana across the border to the Pacific Ocean at Imperial Beach. This pollution is a public health threat as well as an environmental danger.

This reauthorization addresses a multitude of details to implement a privately built and operated plant in Tijuana. Although the realization of the new Minute in February took a very long time, I hope that with new leadership now in place on the Commission and with this authorization in place there will be rapid progress toward the fulfillment of this desperately needed public safety facility.

I want to thank my colleague from San Diego, Representative HUNTER, for taking the leadership in the time-consuming process of bringing agreement on the details from numerous administration entities.

I urge your support for this measure, which has been co-sponsored by the bipartisan San Diego delegation.

Mr. CUNNINGHAM. Mr. Speaker, in 2002, the City of San Diego declared a local emergency regarding the flow of sewage across the border from Tijuana to San Diego. It is estimated that 70 million gallons per day of sewage is released into the Tijuana River Valley and flows into the Pacific Ocean.

It is imperative that something be done to stop the flow of sewage from Tijuana into the Pacific. This legislation is a positive and significant step forward in ensuring that the requirements of the Clean Water Act are met. It makes the necessary changes that would effectively allow for the building of a wastewater sewage treatment facility in Mexico that will process 50+ million gallons of water per day in compliance with the Clean Water Act.

I have been working for years now to ensure a solution to this problem, and I believe the proposal to construct a treatment plant in Mexico is the most cost-effective solution. This bill will enable that to occur, and to eliminate the potential threat to the quality of water in the San Diego-Tijuana border at zero cost to taxpayers. This bill will ensure major environmental benefits for California and is the best option to address this serious public health and safety concern for San Diego.

OMB certified that the public-private partnership approach will save significant funds. The International Boundary and Water Commission (IBWC) has completed treaty minute negotiations with Mexico. This process has taken years, and I would like to thank the IBWC for working on the issue. I would like to thank DUNCAN HUNTER, DARREL ISSA and SUSAN DAVIS for all their hard work. H.R. 4794's introduction by this delegation makes technical corrections to the base law. I would like to thank Chairman DON YOUNG, the Ranking Member JAMES OBERSTAR and JERRY COSTELLO for all their help. This bill is a victory for San Diego, Mexico and the environment.

Mr. FILNER. Mr. Speaker, I rise in strong support of H.R. 4794, the bipartisan bill to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000. The House and Senate passed this bill four years ago in an effort to resolve an enormous health problem in my district. Fifty million gallons of raw sewage flow through the Tijuana River from Mexico into San Diego beaches every day. Most Americans cannot imagine the environmental and health impacts caused by this problem.

Eleven years ago, the San Diego city council declared a state of emergency in the Tijuana River Valley because of sewage from Mexico flowing over the border and spoiling our beaches and waterways. Every two weeks since then, the city council has continued to declare a state of emergency.

I worked with my colleagues to establish a bipartisan plan for a public-private partnership to solve this problem, but the crisis continues. And four years after the signing of the bill nothing has been done. The International Boundary and Water Commission has failed to take the steps necessary to build the wastewater treatment plant that Congress authorized and that families in San Diego deserve.

The IBWC has a new Commissioner who, I believe, recognizes the responsibility that the IBWC has been given from Congress: To end the flow of raw sewage into southern California. That is why I have joined my Congressional colleagues from San Diego in offering this bill to continue the authorization for this project, so we can make sure that this environmental nightmare comes to an end.

Mr. COSTELLO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4794, as amended.

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

A motion to reconsider was laid on the table.

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NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5163) to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5163

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Norman Y. Mineta Research and Special Programs Improvement Act".

SEC. 2. PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) IN GENERAL.—Section 108 of title 49, United States Code, is amended to read as follows:

"§ 108. Pipeline and Hazardous Materials Safety Administration

"(a) IN GENERAL.—The Pipeline and Hazardous Materials Safety Administration shall be an administration in the Department of Transportation.

"(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration

shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in pipeline transportation and hazardous materials transportation.

"(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in pipeline safety, hazardous materials safety, or other transportation safety. The Administrator shall report directly to the Secretary of Transportation.

"(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

"(e) CHIEF SAFETY OFFICER.—The Administration shall have an Assistant Administrator for Pipeline and Hazardous Materials Safety appointed in the competitive service by the Secretary. The Assistant Administrator shall be the Chief Safety Officer of the Administration. The Assistant Administrator shall carry out the duties and powers prescribed by the Administrator.

"(f) DUTIES AND POWERS OF THE ADMINISTRATOR.—The Administrator shall carry out—

"(1) duties and powers related to pipeline and hazardous materials transportation and safety vested in the Secretary by chapters 51, 57, 61, 601, and 603; and

"(2) other duties and powers prescribed by the Secretary.

"(g) LIMITATION.—A duty or power specified in subsection (f)(1) may be transferred to another part of the Department of Transportation or another government entity only if specifically provided by law."

(b) TRANSFER OF DUTIES AND POWERS OF RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION.—The authority of the Research and Special Programs Administration exercised under chapters 51, 57, 61, 601, and 603 of title 49, United States Code, is transferred to the Administrator of the Pipeline and Hazardous Materials Safety Administration.

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by striking the item relating to section 108 and inserting the following:

"108. Pipeline and Hazardous Materials Safety Administration."

(2) DOT INSPECTORS.—Section 5118(b)(3)(A) of title 49, United States Code, is amended by striking "Research and Special Programs Administration" and inserting "Pipeline and Hazardous Materials Safety Administration".

(3) NTSB SAFETY RECOMMENDATIONS.—Section 19(a) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 1135 note; 116 Stat. 3009) is amended by striking "Research and Special Program Administration" and inserting "Pipeline and Hazardous Materials Safety Administration".

(4) NATIONAL MARITIME ENHANCEMENTS INSTITUTES.—Section 8(f)(2) of Public Law 101-115 (46 U.S.C. App. 1121-2(f)(2)) is amended by striking "Research and Special Programs Administration" and inserting "Research and Innovative Technology Administration".

(5) OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.—Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended—

(A) in subsection (a)(3) by striking "Research and Special Projects Administration" and inserting "Pipeline and Hazardous Materials Safety Administration"; and