

with the Federal Government, evidence that such person has supplied information to the United States pursuant to paragraph (1) shall be favorable evidence of such person's responsibility for the purposes of Federal procurement laws and regulations.

"INSPECTION AUTHORITY

"SEC. 8. For the purpose of ascertaining whether there has been a violation of section 3(a) with respect to any prime contract, the General Accounting Office and the inspector general of the contracting agency, or a representative of such contracting agency designated by the head of such agency if the agency does not have an inspector general, shall have access to and may inspect the facilities and audit the books and records, including any electronic data or records, of any prime contractor or subcontractor under a prime contract awarded by such agency."

(b) The title of such Act is amended to read as follows: "An Act to prohibit the paying or offering of kickbacks to any contractor or contractor employee in connection with Federal Government contracting actions."

SEC. 3. (a) Except as provided in subsection (b), the Anti-Kickback Act of 1986 (as set out in section 2(a)) shall take effect with respect to conduct described in section 3(a) of such Act which occurs on or after the date of the enactment of this Act.

(b) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (as set out in section 2(a)) shall take effect with respect to contract solicitations issued by an agency, department, or other establishment of the Federal Government on or after the date which is 90 days after the date of the enactment of this Act.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**WILDLIFE AND SCENIC RIVERS
ACT AMENDMENT**

Mr. DOLE. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 4350, a Wild and Scenic Rivers Act, and ask for its immediate consideration.

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

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4350) to amend the Wild and Scenic Rivers Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2801

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senator McClure in the nature of a substitute.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. McClure, proposes an amendment numbered 2801.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof:

**"TITLE I—CACHE LA POUDE,
COLORADO**

"SEC. 101. Section 3(a) of the Wild and Scenic River Act (16 U.S.C. 1274) is amended by adding at the end the following new paragraph:

"(56) CACHE LA POUDE, COLORADO.—The following segments as generally depicted on the proposed boundary map number FS-56 and dated March 1986, published by the United States Department of Agriculture, each to be administered by the Secretary of Agriculture; except that those portions of the segments so designated which are within the boundary of Rocky Mountain National Park shall continue to be administered by the Secretary of the Interior:

"(A) Beginning at Poudre Lake downstream to the confluence of Joe Wright Creek, as a wild river. This segment to be designated the "Peter H. Dominick Wild River Area".

"(B) Downstream from the confluence of Joe Wright Creek to a point where the river intersects the easterly north-south line of the west half southwest quarter of section 1, township 8 north, range 71 west of the sixth principal meridian, as a recreational river.

"(C) South Fork of the Cache la Poudre River from its source to the Commanche Peak Wilderness Boundary, approximately four miles, as a wild river.

"(D) Beginning at the Commanche Peak Wilderness Boundary to a point on the South Fork of the Cache la Poudre River in section 1, township 7 north, range 73 west of the sixth principal meridian, at elevation 8050 mean sea level, as a recreational river.

"(E) South Fork of the Cache la Poudre River from its intersection with the easterly section line of section 30, township 8 north, range 72 west of the sixth principal meridian, to confluence of the main stem of the Cache la Poudre River, as a wild river.

"With respect to the portions of the river segments designated by this paragraph which are within the boundaries of Rocky Mountain National Park, the requirements of section 102 shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portions need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of parklands shall be undertaken that is inconsistent with the designation of such river segments as a wild river. For the purposes of the segments designated by this paragraph, there are authorized to be appropriated \$500,000 for development and \$2,500,000 for land acquisition."

"SEC. 102. Inclusion of the designated portions of the Cache la Poudre River and the Wild and Scenic Rivers system under section 101 of this title shall not interfere with the exercise of existing decreed water rights to water which has heretofore been stored or diverted by means of the present capacity of storage, conveyance, or diversion structures that exist as of the date of enactment of this title, or operation and maintenance of such structures. Nor shall inclusion of the designated portions of the Cache la

Poudre River in the Wild and Scenic Rivers System be utilized in any Federal proceeding, whether concerning a license, permit, right-of-way, or other Federal action, as a reason or basis to prohibit the development or operation of any water impoundments, diversion facilities, and hydroelectric power and transmission facilities below Poudre Park located entirely downstream from and potentially affecting designated portions of the Cache la Poudre River, or relocation of highway 14 to any point east of the north-south half section line of section 2, township 8 north, range 71 west of the sixth principal meridian, as necessary to provide access to Poudre Park around such facilities: *Provided*, That due consideration shall be given to reasonable measures for minimizing the impact of such facilities and road relocation on the designated segments. Congress finds that development of water impoundments, diversion facilities, and hydroelectric power and transmission facilities located entirely downstream from the designated portions of the Cache la Poudre River below Poudre Park, in accordance with the provisions of this section, is not incompatible with the designation of portions of the Cache la Poudre River in the Wild and Scenic Rivers system under section 101 of this title. The reservation of water established by the inclusion of portions of the Cache la Poudre River in the Wild and Scenic Rivers System shall be subject to the provisions of this title, shall be adjudicated in Colorado Water Court, and shall have a priority date as of the date of enactment of this title.

"SEC. 103. (a) GRANTS AND ASSISTANCE.—The Secretary of Agriculture, acting through the Chief of the Forest Service, shall provide grants and technical assistance to the City of Fort Collins, Colorado, to carry out a study regarding the designation of the following area as a national recreation area: the 18.5-mile segment of the Cache la Poudre River Corridor from the northwest boundary of the city of Fort Collins urban growth area to the Weld-Larimer County line.

(b) STUDY.—The study under this section shall include each of the following:

"(A) a comprehensive evaluation of the public recreation opportunities and flood plain management options which are available with respect to the river corridor involved;

"(B) an evaluation of the natural, historical, and recreational values of such corridor;

"(C) patterns for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic and integrity, or management and administration of the corridor area;

"(D) cooperative management proposals for the administration of the corridor area;

"(E) the number of visitors and types of public use within the corridor area that can be accommodated in accordance with the full protection of its resources; and

"(F) the facilities deemed necessary to accommodate and provide access for such visitors and uses, including the location and estimated costs of such facilities.

(c) REPORT TO CONGRESS.—Within three years of the date of enactment of this title, the Secretary of Agriculture shall transmit to the Congress a comprehensive report containing the results of the study conducted pursuant to this section.

(d) FUNDING.—There are hereby authorized to be appropriated up to \$150,000 to carry out the provisions of this section.

"(e) COST SHARING.—Not more than 75 per centum of the cost of the study carried out under this section shall be paid by the United States: *Provided*, That in no event shall the contribution of the United States exceed \$150,000. The remaining portion of such costs shall be contributed by interested parties. The portion contributed by such interested parties may consist of appropriated funds or contributed services.

"Sec. 104. Notwithstanding any other provision of law, the Secretaries of Agriculture and the Interior shall, within 30 days of the enactment of this title, complete the exchange as described in the Decision Notice and Finding of No Significant Impact, Trust For Public Land Proposed Land-for-Land Exchange, signed by the Rocky Mountain Regional Forester, on August 22, 1985, to acquire certain private lands in the portion of the Cache La Poudre River designated in section 3(a)(56)(B) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(56)(B)).

"TITLE II—FARMINGTON, WEST BRANCH, CONNECTICUT AND MASSACHUSETTS

"Sec. 201. This title may be cited as the 'Farmington Wild and Scenic River Study Act'.

"Sec. 202(a). Congress finds that—

"(1) the West Branch of the Farmington River and related land areas possess resource values of national significance, such as significant white water rapids, undeveloped lands, scenic and cultural areas, important sport fisheries, and prime agricultural lands;

"(2) based on the National Rivers Inventory by the National Park Service, published in January 1982, this portion of the Farmington River is eligible for study for inclusion in the wild and scenic rivers system;

"(3) there is strong support among local, State, and Federal officials, area residents, and river users for a concerted cooperative effort to manage the river in a productive and meaningful way; and

"(4) in view of the longstanding Federal practice of assisting States and local governments in protecting, conserving, and enhancing rivers of national significance, the United States has an interest in assisting the State of Connecticut and the Commonwealth of Massachusetts and the appropriate local governments in managing the river.

"(b) Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph:

"(92) FARMINGTON, WEST BRANCH, CONNECTICUT AND MASSACHUSETTS.—The segment from the intersection of the New Hartford-Canton, Connecticut, town line upstream to the base of the West Branch Reservoir in Hartland, Connecticut; and the segment from the confluence with Thorp Brook in Sandisfield, Massachusetts, to Hayden Pond in Otis, Massachusetts."

"(c) Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end thereof the following new paragraph:

"(7) The study of the West Branch of the Farmington River identified in paragraph (92) of subsection (a) shall be completed and the report submitted thereon not later than the end of the third fiscal year beginning after the enactment of this paragraph. Such report shall include a discussion of management alternatives for the river if it were to be included in the national wild and scenic river system."

"(d)(1) At the earliest practicable date following the enactment of this title, but not later than forty-five days after enactment,

the Secretary of the Interior (hereinafter in this title referred to as the 'Secretary') shall establish the Farmington River Study Committee (hereinafter in this title referred to as the 'Committee'). The Secretary shall consult with the Committee on a regular basis during the conduct of the study. Membership on the Committee shall consist of seventeen members appointed by the Secretary as follows:

"(A) One member shall be appointed by the Secretary.

"(B) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the State of Connecticut.

"(C) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the Commonwealth of Massachusetts.

"(D) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Farmington River Watershed Association.

"(E) One member shall be appointed by the Secretary from each of the eight towns located along the West Branch of the river. The governing body of each of the eight towns shall provide a list of candidates to the Secretary from which the eight appointments under this paragraph shall be made.

"(F) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Metropolitan District Commission of Hartford, Connecticut.

"(2) The members of the Committee shall elect a chairman, vice chairman, and recording secretary from the membership at the first official meeting of the Committee. Official minutes shall be kept of each regular and special meeting of the Committee and shall be open for public inspection.

"(3) Any vacancy on the Committee shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Vacancies in the membership of the Committee shall not affect its power to function if there remain sufficient members to constitute a quorum under paragraph (4) of this subsection.

"(4) A majority of the members of the Committee shall constitute a quorum for all meetings.

"(5) The Committee shall advise the Secretary in conducting the study of the Farmington River segment specified in section 5(a)(92) of the Wild and Scenic Rivers Act. The Committee also shall advise the Secretary concerning management alternatives should the river be included in the wild and scenic rivers system.

"(6) Members of the Committee shall serve without compensation but may be compensated for reasonable and necessary expenses incurred by them in the performance of their duties as members of the Committee.

"(7) The Committee may accept and utilize the services of voluntary, uncompensated personnel.

"(8) The Committee shall terminate on the later of the following:

"(A) the completion of the river study of the Farmington River described in section 5(a)(92) of the Wild and Scenic Rivers Act; or

"(B) the publication of management alternatives should the river be included in the wild and scenic rivers system.

"(e) As used in this title (other than in subsection (b)) the term 'River' means the segments of the Farmington River described in paragraph (92) of section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1275(a)).

"(f) There are authorized to be appropriated up to \$150,000 to carry out the purposes of this title.

"TITLE III—GREAT EGG HARBOR, NEW JERSEY

"Sec. 301. (a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) is amended by adding at the end thereof the following new paragraph:

"(93) Great Egg Harbor River, New Jersey: The entire river."

"(b) COMPLETION DATE.—Section 5(b)(3) of such Act is amended by adding at the end thereof the following: 'The study of the river named in paragraph (93) of subsection (a) shall be completed not later than three years after the date of the enactment of this sentence.'

"(c) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (4) of section 5(b) of such Act is amended by adding at the end thereof the following: 'Effective October 1, 1986, there are authorized to be appropriated for the purpose of conducting the study of the river named in paragraph (93) not to exceed \$150,000.'

"TITLE IV—SALINE BAYOU, LOUISIANA

"Sec. 401. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph:

"(57) SALINE BAYOU, LOUISIANA.—The segment from Saline Lake upstream to the Kisatchie National Forest, as generally depicted on the Proposed Boundary Map, numbered fs-57, and dated March, 1986; to be administered by the Secretary of Agriculture. For the purposes of the segment designated by this paragraph, there are authorized to be appropriated for fiscal years commencing after September 30, 1986, not to exceed \$1,000,000 for the acquisition of lands and interests in lands and for development."

"TITLE V—GENERIC AMENDMENTS

"Sec. 501. (a) Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by redesignating the paragraphs relating to the Au Sable River, the Tuolumne River, the Illinois River, and the Owyhee River as paragraphs (52) through (55) respectively.

"(b)(1) The first sentence of section 3(b) of the Wild and Scenic Rivers Act is amended as follows:

"(A) Strike out 'one year from the date of this Act' and substitute 'one year from the date of designation of such component under subsection (a)'

"(B) Strike out the second parenthetical statement, '(which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river)'

"(C) Strike out the semicolon and the remainder of the sentence after the words 'its various segments' and substitute a period.

"(2) The second sentence of section 3(d) of such Act is amended by striking out 'Said boundaries, classification, and development plans' and substituting the words 'Notice of the availability of the boundaries and classification, and of subsequent boundary amendments'.

"(3) Section 3 of such Act is amended by adding the following new subsections at the end:

“(c) Maps of all boundaries and descriptions of the classifications of designated river segments, and subsequent amendments to such boundaries, shall be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

“(d)(1) For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared, after consultation with State and local governments and the interested public within three full fiscal years after the date of designation. Notice of the completion and availability of such plans shall be published in the Federal Register.

“(2) For rivers designated before January 1, 1986, all boundaries, classifications, and plans shall be reviewed for conformity within the requirements of this subsection within 10 years through regular agency planning processes.”

“Sec. 502. Section 4 of the Wild and Scenic Rivers Act is amended by adding a new subsection (d) after subsection (c):

“(d) The boundaries of any river proposed in section 5(a) of this Act for potential addition to the National Wild and Scenic Rivers System shall generally comprise that area measured within one-quarter mile from the ordinary highwater mark on each side of the river. In the case of any designated river, prior to publication of boundaries pursuant to section 3(b) of this Act, the boundaries also shall comprise the same area. This subsection shall not be construed to limit the possible scope of the study report to address areas which may lie more than one-quarter mile from the ordinary high water mark on each side of the river.”

“Sec. 503. Section 5 of the Wild and Scenic Rivers Act is amended as follows:

“(a) In subsection (a) paragraph (90) relating to the North Umpqua is redesignated as paragraph (91).

“(b) At the end of subsection (b)(1) add: ‘Studies of the rivers named in paragraph (38), (55), (83), and (87) shall be completed and the reports transmitted to the Congress not later than January 1, 1987.’

“(c) Amend paragraph (4) of subsection (b) to read as follows:

“(4) For the purposes of conducting the studies of rivers named in subsection (a), there are authorized to be appropriated such sums as necessary.”

“Sec. 504. (a) Section 6(e) of the Wild and Scenic Rivers Act is amended by striking out ‘Congress in authorized’ and substituting ‘Congress is authorized’.

“(b) Section 6(a) of the Wild and Scenic Rivers Act is amended by striking out ‘donation, and lands’ in the second sentence and substituting ‘donation or by exchange in accordance with subsection (d) of this section. Lands’.

“(c) Section 6(a) of the Wild and Scenic Rivers Act is amended by inserting ‘(1)’ after ‘(a)’ and by adding the following at the end:

“(2) When a tract of land lies partially within and partially outside the boundaries of a component of the National Wild and Scenic Rivers System, the appropriate Secretary may, with the consent of the landowners for the portion outside the boundaries, acquire the entire tract. The land or interest therein so acquired outside the boundaries shall not be counted against the average one-hundred-acre-per-mile fee title limitation of subsection (a)(1). The lands or interests therein outside such boundaries, shall be disposed of, consistent with existing authorities of law, by sale, lease, or exchange.”

“(d) Section 6(b) of the Wild and Scenic Rivers Act is amended as follows:

“(1) Insert in the first sentence ‘outside the ordinary highwater mark on both sides of the river’ after the word ‘acreage’.

“(2) Insert ‘in fee title’ after the word ‘owned’.

“Sec. 505. (a) The second sentence of section 7(a) of the Wild and Scenic Rivers Act is amended by deleting ‘approval of this Act’ and substituting ‘designation of a river as a component of the National Wild and Scenic Rivers System’.

“(b) Section 7(b) of the Wild and Scenic Rivers Act is amended as follows:

“(1) In the first sentence after clause (i) insert a new clause (ii) as follows:

“(ii) during such interim period from the date a report is due and the time a report is actually submitted to the Congress; and”.

“(2) Redesignate existing clause (ii) as clause (iii).

“(3) At the end of the second sentence, delete ‘approval of this Act’ and insert in lieu thereof the words, ‘designation of a river for study as provided for in section 5 of this Act’.

“Sec. 506. Section 8(a) of the Wild and Scenic Rivers Act is amended by adding the following at the end thereof: ‘This subsection shall not be construed to limit the authorities granted in section 6(d) or section 14A of this Act.’

“Sec. 507. Section 9(b) of the Wild and Scenic Rivers Act is amended by striking out ‘issuance or leases,’ in the second sentence and substituting ‘issuance of leases.’

“Sec. 508. Section 11 of the Wild and Scenic Rivers Act is amended by deleting the second sentence in subsection (a) and by amending section (b) to read as follows:

“(b)(1) The Secretary of the Interior, the Secretary of Agriculture, or the head of any Federal agency, shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the Wild and Scenic Rivers System and to other rivers. Any agreement under this subsection may include provisions for limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources.

“(2) Wherever appropriate in furtherance of this Act, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to utilize the following:

“(A) For activities on federally owned land, the Volunteers in the Parks Act of 1969 (16 U.S.C. 18g-j) and the Volunteers in the Forest Act of 1972 (16 U.S.C. 558a-558d).

“(B) For activities on all other lands, section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of statewide comprehensive outdoor recreation plans).

“(3) For purposes of this subsection, the appropriate Secretary or the head of any Federal agency may utilize and make available Federal facilities, equipment, tools and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal agency deems necessary or desirable.

“(4) No permit or other authorization provided for under provision of any other Federal law shall be conditioned on the existence of any agreement provided for in this section.”

“Sec. 507. Section 12(c) of the Wild and Scenic Rivers Act is amended by deleting the words ‘Secretary of the Interior, and inserting in lieu thereof the words ‘Administrator, Environmental Protection Agency’.

“Sec. 510. Section 14 of the Wild and Scenic Rivers Act is amended by inserting ‘(a)’ after ‘14’ and adding a new subsection (b) as follows:

“(b) For the conservation purposes of preserving or enhancing the values of components of the National Wild and Scenic Rivers System, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organizations consistent with section 170(h)(3) of the Internal Revenue Code of 1954. Such interest may include, but shall not be limited to, rights-of-way, open space, scenic, or conservation easements, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located. The conveyance of any such interest in land in accordance with this subsection shall be deemed to further a Federal conservation policy and yield a significant public benefit for purposes of section 6 of Public Law 96-541.”

“Sec. 511. Section 16(c) of the Wild and Scenic Rivers Act is amended by adding at the end thereof: “For any designated wild and scenic river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for purposes of this Act. Such an acquisition shall not constitute fee title ownership for purposes of section 6(b).”

“TITLE VI

“Sec. 601. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end thereof the following new paragraph:

“(58) BLACK CREEK MISSISSIPPI.—The segment from Fairley Bridge Landing upstream to Moody’s Landing as generally depicted on a map entitled “Black Creek Wild and Scenic River”, numbered fs-58 and dated March 1986, to be administered by the Secretary of Agriculture as a scenic river area under section 2(b)(2). For the purposes of the segment designated by this paragraph, there are authorized to be appropriated up to \$300,000 for the acquisition of lands and interests in lands and for deployment.”

“TITLE VII—HENRY’S FORK OF THE SNAKE RIVER, IDAHO

“Sec. 701. This title may be cited as the ‘Henry’s Fork of the Snake River Protection Act of 1986’.

"Sec. 702. Except as set forth in section 703 and section 704 of this title, the Federal Energy Regulatory Commission (FERC) is prohibited from taking any action, other than denial, on any application for a license, preliminary permit, or exemption or any further action on an issued preliminary permit pursuant to sections 4(e), 4(f), and 30 of the Federal Power Act, as amended (16 U.S.C. 797(e-f), and 823), for any project proposed to be sited on or adjacent to that portion of Henry's Fork of the Snake River, Idaho (including that segment originating at Big Springs), or its tributaries within one-half mile of their confluence with Henry's Fork of the Snake River, from its point of origin at Henry's Lake, Idaho to the point of its confluence with the backwaters of Ashton Reservoir, Idaho.

"Sec. 703. The prohibition in section 702 of this title shall not apply to the application for license filed for the Island Park Dam Hydropower project (FERC project numbered 2973) or the subsequent relicensing of said project: Provided, That such license may be approved only if FERC determines that significant and permanent alteration of streamflow, habitat, water temperature, and quality will not occur as a result of the project.

"Sec. 704. The prohibition in section 702 of this title shall not apply to the relicensing of the Ponds Lodge Hydropower project (FERC project numbered 1413).

"Sec. 705. (a) Nothing in this title shall be construed as authorizing (either expressed or implied) the appropriation or reservation of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual. Nor shall any provision of this title (1) affect the rights or jurisdictions of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any ground water resource, (2) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States, (3) be construed to alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right, or (4) otherwise be construed to affect the validity of any existing license, permit, or certificate (other than as set forth in section 702) issued by any Federal agency pursuant to any other Federal law.

"(b) For the purposes of any Federal law authorizing an express or implied appropriation or reservation of water for any Federal purpose, the provisions of this title (other than this subsection) shall be deemed not to exist."

● **Mr. ARMSTRONG.** Mr. President, I am pleased to support the amendment to H.R. 4350 which, in effect, attaches S. 1819, the Cache La Poudre Wild and Scenic River bill, to this legislation. This is a historic moment for Colorado, as this represents the first such designation in our State. Moreover, this bill represents the product of extensive negotiations among affected citizens of northern Colorado and expresses their agreement for protection of the river with options for water project development.

This legislation has been in the making for a number of years. In fact, as early as 1963, the Colorado Governor's Conference on Parks and Recreation recommended that Colorado preserve the mountainous portion of the Poudre River. In that spirit, the late

Senator Peter H. Dominick of Colorado added an amendment to the Wild and Scenic Rivers Act of 1968, directing that the river be studied for possible designation. The Forest Service began studying the river for designation in 1977. The draft environmental impact statement and proposed recommendations, covering 83 miles of the upper reaches of the river, were issued for public comment in early 1980 and resulted in over 1,300 comments. In the spring of 1985, the White House recommended that 62 miles of the Cache La Poudre be designated. The bill, before the Senate today, which was worked out by a consensus of northern Colorado long-term interests, would designate 75 miles of the river.

The Cache la Poudre River is a marvelous unique, free-flowing body of water representing the largest remaining stretch of undeveloped river in the United States east of the Rocky Mountains. Beginning at the Continental Divide in Rocky Mountain National Park, the river flows east through Roosevelt National Forest and the Colorado cities of LaPorte, Fort Collins, and Greeley, before joining the South Platte River. Beginning at the river's source at Poudre Lake in Rocky Mountain National Park, the legislation would preserve the river through the town of Poudre Park. In honor of the late Senator Dominick's contribution to this designation, the bill would declare the first 18 miles of the river as the "Peter H. Dominick Wild River Area." Overall, the legislation will designate 31 miles of river as wild and 44 miles as recreational.

The legislation also expressly provides that nothing in it would affect storage and hydroelectric projects downstream of the designated portions of the river, and also includes authorization for land acquisition from willing sellers along the designated portions of the river. Private property rights are protected by the bill, with acquisitions of public rights-of-way and scenic easements occurring only where necessary and only when owners wish to sell. The legislation would additionally grandfather existing water developments to insure that conflicts in the maintenance and management of those projects will not occur.

This amendment is identical to H.R. 3547, which was introduced in the House by my colleague Congressman HANK BROWN, on October 10, 1985. I commend him in particular and all of the parties involved in the negotiations for their spirit of cooperation and success in balancing the unique environmental values of the Poudre River with Colorado's need to conserve and manage its limited water supplies. This is the kind of cooperative attitude that can resolve many basic differences that we now confront on natural resource management issues.

I believe that we, in the West, are at a crossroads in defining the position of the Federal Government in our water management systems, particularly when it comes to the creation or non-creation of reserved water rights for purposes of the Wild and Scenic Rivers Act or any designation that may be interpreted by a court to confer a Federal right to stream flow. In the past, we, the Congress, have not expressed ourselves on the subject of court inferred Federal reserved water rights to attend a Federal reservation of lands. The history of this judicial creature dates back to the United States versus Winter dispute over reserve rights for the benefit of Indian reservations. Today, Federal reserved water rights are adjudicated in State water courts and have been strictly interpreted in the West. The subject, however, has been clouded by the recent Federal court decision in the Sierra Club versus Block case regarding wilderness—where water rights have been inferred to exist for the purposes of wilderness designations. Like wild and scenic river protections, such rights are not like the earlier Winter's rights, viewed solely as diversionary rights. They are by their very nature a water right for aesthetics—or in other terms a right to flow levels. By their very nature, such rights will have major impacts on existing and future privately held water rights in Western States like Colorado.

These long-established private rights are rights to divert water from a stream and put it to beneficial use, which is diametrically opposed to a Federal right to maintain certain levels of stream flow. Therefore, it is important, for the Congress to not leave the issue to judicial inference, but to spell out exactly what Federal reserved water rights are created by virtue of the designation, as we are doing here in this designation of the Cache La Poudre River. The water experts involved in the negotiation process have assured me that adequate provision has been expressly made to address this and that the legislation will prevent unexpected and unintended effects on existing water rights and future development on this river. This legislation will provide an example for others that environment and water interests can be balanced, and I urge other communities with rivers being considered as candidates for a wild and scenic river designation to look at its particular set of circumstances and expressly craft legislative language to address their particular needs and conflicts. Whatever they work out, I suggest that the issue of Federal reserved water rights needs to be expressly addressed and not left to interference by some court of law.

I recommend this legislation for passage by the Senate today as a sincere

effort to resolve the conflicts that surround this proposed designation. This proposal has been drafted with a precise effect in mind and what is not expressly said in the bill is not intended. Moreover, I trust that Congress' intent is clear enough in the bill that it shall never even become the subject of litigation.

Also incorporated in this amendment is language to authorize an exchange of the trust for public lands. This provision agreed to by all parties involved. It has the support of the trust for Public Lands and the Forest Service, as I understand. It would direct consummation of a land exchange which would place in Federal ownership a private inholding along the river.

This exchange has been analyzed in a Forest Service environmental assessment, wildlife report, and decision document. It was found to be environmentally beneficial and in the public interest. It has undergone the congressional review required by Forest Service regulations. It is also supported by the House sponsors of the Cache La Poudre Wild and Scenic River bill. Finally, the diverse interests which have helped to shape this bill—including landowners, water districts and environmental groups—reviewed, and either endorsed or did not object to, this exchange.●

PROTECTION FOR THE WEST BRANCH OF THE FARMINGTON RIVER.

● Mr. WEICKER. Mr. President, I am pleased to note the passage today of H.R. 4350, legislation to designate the West Branch of the Farmington River as a study area for inclusion in the National Wild and Scenic River System. The passage of H.R. 4350 represents 6 years of hard work by the members of the Connecticut congressional delegation to obtain protection for the Farmington, a magnificent natural resource that is treasured by the entire State.

The passage of this bill, which is co-sponsored by my colleague from Connecticut, Senator Donn, demonstrates congressional recognition of the outstanding qualities of the West Branch of the Farmington River. The West Branch is an essentially free-flowing 23-mile long segment of the 600-square-mile Farmington River watershed. The river supports Connecticut's largest trout fishery and is part of the Federal Atlantic salmon restoration program. The river's corridor includes natural areas that support a variety of rare and endangered species, agricultural lands, two State parks, and five State forests.

Upon passage of H.R. 4530, the National Park Service will convene a study committee composed of representatives of State and local government and citizens groups to prepare a study management plan. This plan will define long-term goals and objec-

tives to guide future decisions affecting the river. During the study period, the river will be protected by a moratorium on federally initiated, licensed or funded activities and projects having a negative impact on the river. The study process should take less than 36 months.

Once the management plan is complete, the Governors and the Legislatures in Connecticut and Massachusetts will vote on whether to send the river on for Federal consideration for inclusion in the Wild and Scenic River System. It is my hope that the West Branch of the Farmington River will be included in the National System within a few years.

Mr. President, I would also like to take this opportunity to thank the chairman of the Subcommittee on Public Lands, Reserved Water and Resource Conservation, Mr. WALLOP, for his assistance in moving this bill through the Senate Energy Committee. His cooperation was invaluable to our efforts to bring this bill to final passage in the Senate this year. The State of Connecticut sincerely appreciates his help.●

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment (No. 2801) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 4350) was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, will the distinguished majority leader yield for a unanimous-consent request?

Mr. DOLE. I am pleased to yield.

APPOINTMENT OF CONFEREES—
H.R. 5233

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senate insist on its amendment to H.R. 5233, the fiscal year 1987 Labor-Health and Human Services, Education, and related agencies appropriation bill, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The authority has previously been granted.

Mr. WEICKER. Is the Chair in a position to announce the names of the conferees.

There being no objection, the Chair appointed Mr. WEICKER, Mr. HATFIELD, Mr. STEVENS, Mr. ANDREWS, Mr. RUDMAN, Mr. SPECTER, Mr. MCCLURE, Mr. DOMENICI, Mr. PROXMIRE, Mr. BYRD, Mr. HOLLINGS, Mr. CHILES, Mr. BURDICK, Mr. INOUE, and Mr. HARKIN conferees on the part of the Senate.

Mr. WEICKER. I thank the distinguished majority leader.

I yield the floor.

NATIONAL SCHOOL-AGE CHILD CARE AWARENESS WEEK

Mr. DOLE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 60, to designate National School-Age Child Care Awareness Week, and ask for its immediate consideration.

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

The bill will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 60) to designate the week beginning September 1, 1985, as "National School-Age Child Care Awareness Week."

There being no objection, the Senate proceeded to consider the joint resolution.

AMENDMENT NO. 2802

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senator HAWKINS.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] for Mrs. HAWKINS proposes an amendment numbered 2802.

On page 2 line 3 delete "September 1, 1985" and insert in lieu thereof, "September 15, 1986"

● Mrs. HAWKINS. Mr. President, the amendment that I am offering to House Joint Resolution 60 would designate the week beginning September 15, 1986 as "National School-Age Child Care Awareness Week." This designation is particularly timely not only because millions of latchkey children will be entering school during the week of September 15 but also because legislation to authorize a program to encourage the development of school-age child care programs in the States will be sent to the President for his signature that week. That legislation, H.R. 2241, provides for authorization of \$20 million a year for 4 years for the State Dependent Care Development Grants Act.

The limited Federal funding that is available through this act is not intended to fund all the before- and after-school child care programs that are needed to care for this Nation's latchkey children. The legislation is a