

Mike Waters; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Karen Raupp.

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Mr. INHOFE. I would also like to take this opportunity to note for the record that I believe there are several unrealistic sections of the CBO score that appear to be based on several unconventional interpretations of the Committee reported bill.

CBO estimates that the recreation fee program will result in \$27 million in estimated outlays for 2005 and \$13 million in estimated outlays for 2006, at which point CBO assumes that the outlays become a \$7 million annual revenue. The recreation user fee program established in the bill, creates a program to directly fund the operation and maintenance needs associated with recreation at Corps reservoirs. The committee reported bill amends section 225 of WRDA 1999. That particular section of WRDA 99 provides the Secretary of the Army a temporary authority under the Land and Water Conservation Fund, to withhold a limited portion of recreation user fees and provides authority to spend those revenues on the operation and maintenance of recreation facilities at Corps reservoirs. The committee bill further amended this authority to allow the Corps to withhold 100 percent of the recreation fees, on a permanent basis and directed the Corps to establish a program to facilitate the efficient collection of revenues. The CBO interpretation of this section assumes that the Corps will withhold the recreation fees it currently collects and spend them directly on O&M. However, when the Corps implements the program for fees CBO assumes that the agency's authority for withholding such fees disappears, and the agency will blithely turn them over to the General Treasury leaving their O&M budget in shambles. Such an outcome is in direct contravention of the obvious purpose of the entire section. And while such an interpretation of the section is possible, I have yet to encounter a situation where an agency turned funds over to the Treasury when they were authorized to withhold and spend them directly.

Section 1006 authorizes the Corps to deposit revenues collected in conjunction with operations at Corps reservoirs. With respect to the generation of hydro-power, the Corps does not currently collect any fees from the Power Marketing Administrations, PMAs. In the case of PMA revenue, the PMAs send a portion of their revenue to the Treasury. In order to provide direct funding for the Corps, the committee bill provides for a 0.22 cent charge per kilowatt of electricity produced. Bonneville Power Administration is specifically exempt from the 0.22 cent per kilowatt hour fee. Despite this exemption, CBO assumes that Bonneville Power will ignore its other authorizing statutes and turn over more than

\$800 million a year to the Corps. I would point out that the 0.22 cent per kilowatt fee, was the committee's best estimate at the size of a fee that would be required to directly fund \$150 million for O&M, which was the amount recommended in the president's budget. Excluding Bonneville Power Administration, CBO estimated that the 0.22 cent per kilowatt hour would result in \$173 million in direct O&M outlays. I believe that CBO erroneously included Bonneville Power Administration in the estimate of direct spending. Bonneville Power Administration receipts, if collected by the Corps, would total \$7.1 billion over a 10-year period.

While CBO erroneously overestimates, the direct spending associated with O&M at Corps reservoirs, it completely underestimates the direct spending that will likely be required should the Fish and Wildlife mitigation provision become enacted. Section 1011 establishes a new standard for fish and wildlife mitigation for Corps of Engineers projects. Because the standard specifically amends WRDA 1986 with changing the dates specified in WRDA 86 with respect to the applicability of the standard to completed and on going projects, a strict reading of the new standard makes it applicable to all projects authorized after November 17, 1986. Moreover, the standard sets a very high bar by requiring the Corps to "acquire and restore the same number of acres of habitat" to fully replace the hydrologic and ecological functions of "each acre of habitat adversely affected." While on its face such a requirement may seem innocuous, there is no deminimus level for the determination of an adverse effect. Strictly speaking, even relatively minor changes to land use or hydrology would trigger the requirement for the Corps to acquire an equal number of acres as those that are modified, and restore all of those acres. The liability that this imposes on the Corps for mitigation of projects to this standard for everything since 1986 is likely substantial. Given that most non-Federal sponsors are local and State governments, this potentially represents a significant unfunded mandate as well.

#### NATIONAL RUNAWAY PREVENTION MONTH

Mr. HATCH. Mr. President, I rise today to commend the Senate for passing S. Res. 430, a resolution designating November 2004 as National Runaway Prevention Month. National Runaway Prevention Month is a public education initiative to increase awareness of issues facing runaways. This resolution will sensitize the public about solutions to the runaway dilemma and educate them on the role they play in preventing youth from running away.

Runaway and "throwaway" episodes among our Nation's youth are a widespread problem, with one out of every seven children and youth in the United States running away or being turned

out of their home before the age of 18. A recent study by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention estimates that nearly 1.7 million youth experienced a runaway or throwaway episode in a single year. The primary causal factors of running away or being turned out are severe family conflict, abuse and neglect, and parental abuse of alcohol and drugs.

All of the conditions that lead young people to leave or be turned out of their homes are preventable. However, we need to make interventions available to strengthen families and support youth in high-risk situations. Successful interventions are grounded in partnerships among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses.

Preventing young people from running away and supporting youth in high-risk situations are a family, community, and national responsibility. Please join us in increasing public attention to the challenges that youth are facing today and in encouraging all Americans to play a role in supporting the millions of young people who have run away from their home environments or who are at-risk of doing so each year.

#### NATIONAL SEVERE STORMS LABORATORY 40TH ANNIVERSARY

Mr. INHOFE. Mr. President, in Oklahoma, we know the importance of predicting and tracking severe weather. Each spring, during tornado season, people in Oklahoma brace themselves for dangerous storms. However, instead of hiding in the dark, like they used to do, today, they can depend on a stellar source for up-to-date, real-time information. The National Severe Storms Labs NSSL has played a vital role in providing research for predicting and tracking this harmful weather. In light of this, I rise today to recognize the 40th anniversary of the vital office of the NSSL within the Department of Commerce/National Oceanic and Atmospheric Administration, in Norman, Oklahoma.

The National Severe Storms Laboratory was established in 1964 and leads the way in investigations of all aspects of severe and hazardous weather. NSSL is a vital part of NOAA Research and the only federally supported laboratory focused on severe weather. The lab's scientists and staff constantly explore new ways to improve understanding of the causes of severe weather and ways to use weather information to assist National Weather Service, NWS, forecasters, as well as Federal, university and private sector partners.

These scientists are working on ways to improve short-term weather forecasting computer models for the National Weather Service's basic tornado research to understand how tornadoes form, as well as real-time delivery of

radar data to the meteorological community and interested partners. Research at NSSL has led to greater knowledge and improved forecasts of tornadoes, flash floods, damaging winds, hail, lightning, heavy snow, ice and freezing rain.

Early on, NSSL researchers recognized the potential of Doppler radar to improve the detection and warning of severe weather. NSSL built the first real-time displays of Doppler velocity data, which led to discoveries of tornado-related radar "signatures." The successful demonstration that Doppler radar could help forecasters provide much improved severe thunderstorm and tornado warnings led to the deployment of the Next Generation Weather Radar, NEXRAD, WSR-88D, network of Doppler radars throughout the United States. This important contribution to the Nation was recognized by a Department of Commerce gold medal award, and was the only NOAA research laboratory so recognized.

NSSL continues to be a pioneer in the development of weather radar. The lab is working with the NWS to deploy dual polarization, a planned upgrade to the current NEXRAD Doppler radar hardware that provides more information about precipitation in clouds to better distinguish between rain, ice, hail and mixtures. Such information will help forecasters provide better forecasts and warnings for flash floods, the number one severe weather threat to human life.

In addition, NSSL researchers are adapting state-of-the-art radar technology currently deployed on Navy ships for use in tracking severe weather. Phased array radar reduces the scan or data collection time from 5 or 6 minutes to less than 1 minute, potentially extending the lead time for tornado warnings beyond the current average of 12 minutes. When combined with other technology being developed at NSSL, warning lead times may be extended even farther.

Recently, NSSL collaborated with the University of Oklahoma, Texas Tech, and Texas A&M University to build two new 5-cm mobile Doppler radars. These SMART-Radars—Shared Mobile Atmospheric Research and Teaching Radars—are capable of scanning and penetrating an entire tornadic storm or hurricane, providing critical data needed to understand the mysteries of how tornadoes form and for eventually improving severe storm forecasts and warnings.

During the past few years, scientists from NSSL completed several field experiments to study severe and hazardous weather. In 2003 and 2004, researchers launched weather balloons loaded with instruments into thunderstorms during the Thunderstorm Electrification and Lightning Experiment, or TELEX. The lightning observations they made will be used to improve forecasts and warnings of hazardous weather. In 2002, NSSL hosted the International H2O Project or IHOP, one of

the largest weather-related studies ever conducted in the U.S.

NSSL has a research partnership with the Cooperative Institute for Mesoscale Meteorological Studies, a cooperative institute between the National Oceanic and Atmospheric Administration and the University of Oklahoma. Additionally, NSSL conducts collaborative research with other NOAA laboratories including the Forecast Systems Laboratory, the Environmental Technologies Laboratory, and the Great Lakes Environmental Research Laboratory, as well as the U.S. Navy, Air Force, Army, Department of Transportation, Federal Aviation Administration, Texas A&M, Texas Tech University, Lockheed Martin, Basic Commerce and Industries, Weather Decision Technologies, WeatherNews International, Inc., WeatherData, Inc., and Salt River Project.

I congratulate the National Severe Storms Laboratory in Norman, OK, on their first 40 years. Based on their performance since 1964, I believe we can expect many more years of pioneering scientific research from this outstanding institution, their academic, government and private sector partners, and their many scientists and technicians.

#### LOSING GROUND

Mr. LEVIN. Mr. President, it has been nearly a month since Republican congressional leadership and the President allowed the assault weapons ban to expire. This lack of action made it potentially easier for criminals and terrorists to acquire 19 previously banned assault weapons that could be used to harm innocent Americans. Adding insult to injury, the House of Representatives last week passed legislation that would make families in the Nation's capital even more susceptible to gun crime.

The misnamed District of Columbia Personal Protection Act, which passed the House last week, would repeal a local law in Washington, DC that bans the sale and possession of unregistered firearms, requires firearm registration, imposes commonsense safe storage requirements, and bans semiautomatic weapons in the District. Should this bill become law, tourists and especially those who live and work in our Nation's capital will face a considerably greater threat of gun violence.

According to the Brady Campaign To Prevent Gun Violence, this bill would roll back gun laws in D.C. to a point that it would be legal to possess a loaded assault rifle on city streets without a permit. Over the strong objections of local leaders, the Republican-controlled House made the unwise decision to take up and pass this legislation even as we face the increased threat of terrorism. Hopefully the Senate will not make the same mistake.

Unfortunately, instead of making progress on the issue of gun safety, we seem to be retreating. Instead of

strengthening laws that would help prevent future gun crimes and terrorist attacks, they are being weakened giving potential criminals and terrorists easier access to weapons that have no place on our streets. I will continue to work toward reversing this course and toward passing sensible gun safety legislation that will make our communities more, instead of less, safe.

#### ANABOLIC STEROID CONTROL ACT

Mr. MCCAIN. Mr. President, I am pleased that the Senate has passed S. 2195, the Anabolic Steroid Control Act, and I commend my colleagues Senators HATCH and BIDEN for their commitment to this important legislation.

While S. 2195 is a positive first step toward protecting the public health, our work is not complete. We must continue to explore ways to improve the Dietary Supplements Health and Education Act, DSHEA, which has provided safe harbor for substances like those made illegal by S. 2195. We must make it more difficult for dietary supplement manufacturers to place harmful substances into the stream of commerce, and require that such manufacturers report to the Food and Drug Administration, FDA, adverse health events suffered by consumers when using their products. We must also demand that best practices for the manufacture of dietary supplements be developed by the FDA and followed by the supplement industry to ensure the efficacy and safety of these products.

#### RWANDA AND SUDAN: SIMPLY RECOGNIZING GENOCIDE IS NOT ENOUGH

Mr. DURBIN. Mr. President, this summer and fall, a lot of us have been drawing comparisons between Sudan today and Rwanda a decade ago. The October 4, 2004 edition of the New York Times contains a piece furthering this argument by one who is uniquely qualified to do so: retired General Roméo Dallaire, who was the commander of the United Nations forces in Rwanda during the genocide.

Ten years ago, General Dallaire pleaded for more troops to stem the rising tide of murders that were sweeping across Rwanda. Instead of sending reinforcements, the United Nations cut his peacekeeping force from 3,000 to 500, leaving Dallaire and his troops to witness the mass killings that they did not have a prayer of stopping. In the aftermath of this decision, 800,000 people died in 100 days.

Ten years ago, the African Union promised battalions to stop the killing but lacked the equipment and logistical support to come to the assistance of Dallaire and the people of Rwanda. Those forces never arrived in any numbers.

Today, genocide is again taking place, this time in Sudan. Secretary General Kofi Annan has recognized it. President Bush has recognized it. But