

According to a February news release from the Star Tribune's partner, AT&T, the Star Tribune's parent company, Cowles Media, has formed Cowles Business Media for the sole purpose of creating an online news and information service for business professionals. Furthermore, in a March 3 letter to West, the Star Tribune admitted that "if there is a major court decision we will obviously report it on the online service, and we might publish the decision if we had access to it." WESTLAW, West Publishing's flagship online service, is already the nation's leading source of legal and nonlegal business and professional information. Make no mistake, The Star Tribune and Cowles Business Media will compete directly with WESTLAW. West welcomes competition. In fact, since 1992, the number of competing providers of caselaw has increased from 65 to more than 190. West's two largest competitors are multibillion dollar, multinational conglomerates headquartered in foreign countries. The Star Tribune lamely states it has no intention of entering the legal publishing business, hoping its readers don't know and will not find out that West isn't just a caselaw publisher, but one of America's leading online business and professional information providers.

The Star Tribune must not forget that aside from its competitive business ventures it remains a newspaper. It could have added a dose of journalistic integrity to the story by merely mentioning the AT&T venture somewhere in that enormous story—just as it did whenever notions of accuracy forced it to admit, however cryptically, that neither West nor the judges had done anything wrong at all.

The Star Tribune also has a duty to pursue its tasks in good faith. In correspondence with Star Tribune editors and feature writers, West was told that the newspaper was undertaking a broad examination of the entire legal publishing industry. West was asked to cooperate with work on an article that involved "major contractors such as Mead Data Central, West Publishing Co. and Lawyers' Cooperative Publishing."

West cooperated initially because any story entitled "Who Owns the Law" ought to say—and we did—that among major legal publishing companies, only West is American-owned. West thought that in the wake of Dutch-owned Reed Elsevier's \$1.5 billion purchase of West's primary American competitor, Mead Data Central, the Star Tribune would do a story on how a relatively small Minnesota company was holding its own against massive foreign competitors.

Wrong. While the Star Tribune's editors sent West placating letters declaring their intention to write a balanced story, the writers relentlessly focused on West. And now, given the appearance of West's name in the sensational headline of the story, and its single-minded focus on West and the conduct of West executives, how can the Star Tribune state publicly, as it has, that West was not even a focus in the report? West was purposefully misled.

The Star Tribune story also did an enormous disservice to the honorable people serving in America's federal judiciary. The Devitt Award, according to the Star Tribune, was intended to be the "Nobel Prize for the federal judiciary." Indeed, as the Star Tribune acknowledges, the Devitt Award has become a "prestigious" award whose "recipients chosen over the years have been worthy of honor." Judges who have received the award "have shown courage in handling civil rights matters and creativity in improving the administration of justice."

So how can the Star Tribune blithely infer that the same distinguished judges who, through their integrity and courage, are de-

serving of such a respected award, would engage in misconduct to benefit West? Clearly the Star Tribune cynically plays upon the public's mistrust of government institutions, leaving the casual reader with the impression that another great institution has fallen victim to misplaced ethics.

Such allegations are doubly outrageous given the article's unequivocal statements that "West broke no laws in making the gifts," and that "the award complies with all laws and ethics codes." Is the Star Tribune the brave new arbiter of illusory judicial standards? Why, even the Star Tribune's own handpicked ethics expert had to admit that "it is perfectly legitimate for a law book publisher to sponsor such an award—I've nominated someone myself—and to enlist the aid of judges in selecting the recipients and to pay their reasonable expenses in fulfilling that selection obligation."

Finally, the Star Tribune established no link between the Devitt Award and court cases resolved in West's favor because no such link exists. With regard to the U.S. Supreme Court cases cited by the Star Tribune, the court did not hear the cases. Rather, the justices declined to review the rulings of lower courts—something they do with 96 percent of the cases that come their way. In the face of this overwhelming percentage, what evidence did the Star Tribune uncover to support its lurid reference that, but for West's influence, any one of those cases were special enough to warrant review? Absolutely none.

In fact, the petitions involving West were rejected by the Supreme Court because they were simply without merit. Yet the Star Tribune, finding no evidence to suggest otherwise, turns instead to the predictable sour grapes of losing attorneys for accusations of misdeeds. The article also quoted out of context an unnamed federal appeals court judge who asks an attorney challenging West, "Did West do something to make you mad?" Placed in the proper context, the judge was asking precisely the right question, since the issue before the court was whether there was an actual controversy in the first place. The quoted judge was frustrated over the other party's failure to identify a dispute that the court could resolve. It's all there in the transcripts and pleadings, but the Star Tribune chose to ignore it.

In short, the Star Tribune expended enormous resources to concoct a self-serving, long-winded and repetitive story that trashed a fine, old Minnesota company, reached no constructive conclusion, found no improper behavior and left readers asking, "So what?" But most importantly, the story took several poorly aimed and ill-advised shots at the pinnacle of the American judiciary. It was all unnecessary and unfortunate. The people of Minnesota and the readers of the Star Tribune deserve better.

#### UNITED STATES-UNITED KINGDOM AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to discuss a matter of great importance to U.S. passenger and cargo carriers. I refer to aviation relations between the United States and the United Kingdom. The strategic location of the United Kingdom makes it a key crossroad for international traffic. It is a gateway to Europe and an important link in the global aviation market.

A liberalized, balanced air service agreement between the United States and the United Kingdom is in the best

interest of both countries. Of equal importance, the increased competition resulting from such an agreement would benefit consumers on both sides of the Atlantic. Unfortunately, our current bilateral aviation agreement—the Bermuda II Agreement—is anticompetitive, nowhere near balanced, and harms consumers.

First, the agreement is terribly restrictive. For example, presently only two U.S. carriers—American Airlines and United Airlines—can serve London Heathrow Airport and they can do so only from specific cities. This is particularly significant since Heathrow is the most important international gateway airport in the world. Also, the number of passengers carried to the United Kingdom by United States airlines is severely constrained by the Bermuda II Agreement. Without question, Bermuda II is our most restrictive bilateral aviation agreement.

Second, the air service agreement is grossly imbalanced in favor of the British. Currently, United Kingdom airlines carry approximately 60 percent of the transatlantic passengers between the United States and the United Kingdom. In 1976, U.S. air carriers had around 60 percent of the transatlantic passenger market share. The British found that state of affairs intolerable. In fact, the United Kingdom relied on this inequitable balance as the basis for renouncing the Bermuda I Agreement.

The British were right. A 60 percent-40 percent imbalance is intolerable. It must be corrected. U.S. carriers are highly competitive and, but for Bermuda II, the market would not be skewed in this manner. I am willing to put our highly efficient carriers up against any foreign carriers. Given the chance, I am confident they will successfully compete in any market worldwide.

Finally, Bermuda II is undesirable for consumers because it limits competition. Consumers on both sides of the Atlantic would benefit greatly from increased competition in the United States-United Kingdom transatlantic market. Bermuda II does not discriminate, it harms British consumers as well as United States travelers.

Mr. President, earlier this year the United States began pressing for a liberalized, market oriented aviation agreement with the United Kingdom. This is not the first time we have tried to secure an air service agreement on this basis. In fact, for more than 50 years the United States has repeatedly tried to get the United Kingdom to embrace an air service agreement based on free-market principles. Our current position is not new, nor is it novel.

Unfortunately, for more than 50 years, these attempts have consistently been rebuffed by the British who are very concerned about the prospect of unrestrained head-to-head competition with United States carriers. Many aspects of our trade relationship with

the United Kingdom are open and unrestricted. Aviation certainly is not one of them.

The current round of negotiations that began earlier this year did, however, start a process which hopefully will ultimately result in a liberalized air service agreement. The phase 1 deal agreed to by the United States and the United Kingdom last month is a step in the right direction, but we have a long, long way to go.

Hopefully, the momentum of the phase 1 deal will carry over into phase 2 negotiations which began recently in London. I hope we can secure a phase 2 deal this fall that increases access to Heathrow and Gatwick Airports, and liberalizes cargo services, pricing, and charter flights. Such an agreement would be another significant step. It would be a welcome development. However, even if we reach consensus on a phase 2 agreement, we must not stop there. The United States and the United Kingdom must continue working together to fully liberalize our aviation relations.

Mr. President, I wish to briefly discuss two important related issues. First, is the United States' request for additional Heathrow access fair and realistic in light of current capacity limitations at that airport? Second, does the United States have enough leverage in negotiations to obtain a liberalized air service agreement?

Several weeks ago I met in London with key United Kingdom transport officials and aviation executives to better evaluate each of these questions. I believe the answer to both questions is "yes." Let me explain my conclusions.

Heathrow Airport, like four airports in the United States, is a slot-controlled facility. By this I mean it has a limited number of takeoff and landing slots. I was aware Heathrow handles a substantial amount of passenger and cargo traffic. However, I was surprised to discover Heathrow also is an airport with significant unused capacity.

In the short term, operational changes at Heathrow could immediately create much-needed additional runway capacity. For instance, presently Heathrow's two runways function on what is called segregated mode operations. What this means is one runway is used exclusively for takeoffs while the other is used exclusively for landings. Operating runways in this manner is quite inefficient.

In the United States, most of our major airports use mixed-mode runway operations. This means landing and departing traffic is sequenced and mixed on the same runway. Mixed-mode operations are very efficient and very safe. They enable an airport to maximize runway capacity.

What would result if Heathrow switched its runways to mixed-mode operations? It has been estimated hourly runway capacity would increase by about 18 percent. This would mean potentially an additional 7 arrivals and 7 departures per hour, and more than 100

new arrivals and 100 new departures daily. For an airport which purportedly has no additional capacity, this is very significant indeed.

Some adjustments in airspace operations and ground movement management would be needed to capture the full traffic benefits of this switch in runway operations. Let me add that I understand the noise climate around Heathrow has been improving for many years and, due to newer and quieter jets, increased operations should not pose an environmental problem.

I wish I could take credit for this excellent idea. The credit, however, goes to British Government and industry projects which have studied the Heathrow capacity problem. It was a conclusion of the British Civil Aviation Authority study on runway capacity that was released in 1993. The source of the statistics to which I refer is the August 1994 report of the Heathrow Airport Runway Capacity Enhancement Study. On June 22, 1995, the House of Commons Transport Committee commenced an inquiry into airport capacity issues in the United Kingdom. Among the issues it will consider is underutilization of airport capacity and, in that regard, methods of runway operations.

In the longer term, there is a proposal to add a new terminal at Heathrow that will significantly increase airport capacity. According to a report by BAA plc, the dynamic private company that owns and operates Heathrow, the proposed new terminal 5 would allow Heathrow to handle 30 million more passengers a year.

Time and time again United States negotiators are told by their very skilled British counterparts there is no additional capacity at Heathrow. I understand the British sang the same song in negotiations in London earlier this month. We should confront the British negotiators with these facts and supporting studies.

Let me turn to the important question of whether we have enough leverage to get the British to agree to a fully liberalized aviation agreement. The Aviation Subcommittee of the Commerce, Science, and Transportation Committee considered that issue during a hearing several months ago. Understandably, a number of Senators were concerned the United States has squandered its leverage by giving the British too many aviation rights in the past without obtaining equal benefits. That criticism of negotiations prior to 1995, particularly those which led to the Bermuda II Agreement in 1977, is warranted. We have given, so to speak, with both hands.

I disagree, however, that the United States has nothing of value left which will enable us to obtain a liberalized aviation agreement with the British. We still hold the ultimate leverage, the most important bargaining chip of all. We control the substantial economic benefit the United Kingdom presently

enjoys as a result of United States carrier business.

There was a time when geographic factors and technological limitations made the United Kingdom the international gateway of necessity for United States carriers serving Europe and beyond. The British skillfully played this bargaining chip for all that it was worth. In fact, they continue to operate on this outdated premise.

Times have changed. New generation, long-range aircraft have made the option of overflying the United Kingdom to gateway airports on the European Continent an option that is viable from both an operational and economic standpoint. Moreover, open skies agreements with European countries have made clear to the United States and to U.S. carriers that these nations want our business. If the United Kingdom does not promptly revise its thinking, it may well see United States carriers look beyond the United Kingdom to the European Continent for international gateway opportunities.

Recent developments in our aviation relations with countries on the European Continent have quite understandably caused our carriers to seriously consider opportunities beyond the United Kingdom. Since the United States and The Netherlands signed an open skies accord in 1992, the resulting growth of international traffic to Amsterdam's Schiphol International Airport has been quite significant. Our very recent open skies agreements with Austria, Denmark, Finland, Iceland, Luxembourg, Norway, Sweden, and Switzerland should also create new continental opportunities. An open skies agreement with Belgium that is expected soon will have the same effect.

The greatest catalyst for this movement of United States air service business to the European Continent, however, would be an open skies agreement with Germany. I welcome reports that aviation negotiations between the United States and Germany earlier this month went very well. Also, I am pleased German Transport Minister Matthias Wissmann came to Washington last week to meet with Secretary Peña. United States-German aviation relations are moving in the right direction.

An open skies agreement with Germany would make the airports in Munich and Frankfurt very attractive to United States carriers who are frustrated they cannot obtain sufficient access to Heathrow and Gatwick. I understand a new airport also is planned in Berlin. In combination with international airports in European countries with which we have open skies agreements—particularly Amsterdam's Schiphol International Airport—German airports represent significant competition to United Kingdom airports.

BAA plc, which owns and operates Heathrow, makes my point very succinctly. In a recent publication, BAA

perceptively observed: "Airlines and passengers are free agents. If extra capacity is not developed at Heathrow, the airport will not be able to satisfy demand and airlines will expand their business at continental airports." BAA added, "if airlines are denied the opportunity to grow at Heathrow, many will choose Paris, Frankfurt or Amsterdam." BAA is absolutely right.

Before it is too late, I hope the United Kingdom Department of Transport recognizes the United Kingdom no longer has a monopoly as an international air travel gateway for United States carriers. The economic stakes for the United Kingdom are very high.

Mr. President, I remain hopeful the British will liberalize their air service agreement with our country. It is in the best interest of both countries to do so. As British negotiators again posture over Heathrow access and other important elements of the phase 2 deal such as liberalization of cargo services, I hope they fully understand the implications of new opportunities for United States carriers in continental Europe. An open skies agreement with Germany would really drive home this point.

I ask unanimous consent that a recent article appearing in the Financial Times describing my view of the impact an open skies agreement between the United States and Germany would have on United States-United Kingdom aviation relations be printed in the RECORD.

I further ask unanimous consent that a letter I recently sent to Sir George Young, the new United Kingdom Secretary of State for Transport, which describes my concern about the current state of United States-United Kingdom aviation relations also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Financial Times, July 6, 1995]  
 SENATOR PILES ON HEATHROW PRESSURE  
 (By Michael Skapinker)

Airlines in the US might look to Germany to provide a new European gateway airport if London's Heathrow is not opened to American carriers, Senator Larry Pressler, chairman of the US Senate Commerce and Transportation Committee said yesterday.

Senator Pressler, who was in London for talks with UK officials, said: "With longer-range new generation aircraft, frustrated US carriers may well look beyond the UK for another international gateway airport. An open skies agreement with Germany, which may result from the US-Germany bilateral air talks later this month, will add much fuel to this fire."

Senator Pressler said, however, that he favoured raising the maximum stake that foreign airlines can hold in US carriers to 49 per cent from the current ceiling of 25 per cent.

Sir Colin Marshall, chairman of British Airways, said this week that if the US wanted greater access to Heathrow, it would have to lift maximum ownership limits in its airlines and allow greater co-operation between UK carriers and their American partners.

Senator Pressler, whose committee is to hold hearings on US aviation policy next

week, said he recognized that Heathrow was congested. He said, however, that there were several operational changes which could be made to allow the airport to accommodate more traffic. These included using the airport's two runways for both landings and take-offs. Heathrow currently has landings and take-offs on separate runways.

Senator Pressler said that although he was a Republican, he supported the way the US had negotiated with the UK under Mr. Federico Peña, the US transportation secretary. Mr. Peña has been criticised in Congress for taking too timid an approach to the UK.

COMMITTEE ON COMMERCE, SCIENCE,  
 AND TRANSPORTATION,  
 Washington, DC, July 14, 1995.

Rt. Hon. SIR GEORGE YOUNG MP,  
 Secretary of State for Transport, Department of  
 Transport, 2 Marsham Street, London SW1P  
 3EB, United Kingdom.

DEAR SIR GEORGE: Congratulations on your recent appointment as Secretary of State for Transport. On July 3rd I met in London with your predecessor, Dr. Mahwinney, in a very informative session. I hope that we can continue the dialogue Dr. Mahwinney and I started.

As I told Dr. Mahwinney, I am very hopeful the Phase 1 agreement last month will be the first step in liberalization of the U.S./U.K. bilateral aviation agreement. U.S. carriers are understandably very concerned over recent statistics indicating U.K. carriers now serve approximately 60 percent of the transatlantic passenger traffic between our countries. Historically, as you know, both countries have regarded a 60/40 imbalance to be unacceptable.

I believe a balanced, liberalized air service agreement is in the best interest of both countries. Of equal importance, increased competition that would result from such an agreement would be beneficial for consumers on both sides of the Atlantic. If your travels bring you to Washington, D.C., I would enjoy having the opportunity to discuss these issues with you in person.

Sincerely,

LARRY PRESSLER,  
 Chairman.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOMENICI. What is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 1905.

Mr. DOMENICI. Mr. President, parliamentary inquiry; am I correct that at 2 p.m. we will leave this energy and water appropriations bill and then take up the State Department authorization bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. What is the status of that bill? Is there a cloture petition pending on that?

The PRESIDING OFFICER. The cloture petition was filed on Friday and will mature tomorrow.

Mr. DOMENICI. Has a time been set for a vote on that?

The PRESIDING OFFICER. Not at this time.

Mr. DOMENICI. Mr. President, parliamentary inquiry; in the event that that State Department/foreign assistance bill is removed from the calendar postcloture tomorrow, what would the pending business then be?

The PRESIDING OFFICER. The question would occur on H.R. 1905.

Mr. DOMENICI. I thank the Chair.

Mr. President, I yield myself 10 minutes, then there will be 10 minutes for my friend, the ranking member, Senator JOHNSTON. I do not believe we will be able to accomplish much business, but the energy and water bill is pending.

I am pleased to bring H.R. 1905, the energy and water development appropriations bill for fiscal year 1996 before the Senate for its consideration. The bill was passed by the House on July 12, less than 3 weeks ago, with a vote of 400 to 27.

The Senate Energy and Water Development Subcommittee marked up the bill on July 25. The full committee reported it out 28 to 0 last Thursday, July 27. The bill and report have been available to Senators and their staff since last Friday, July 28.

Although the Appropriations Committee has moved quickly to prepare the bill, the quality of this legislation, in my opinion, has not suffered. While we are under extreme budgetary pressures resulting from the budget resolution's mandate of erasing the Federal deficit over the next 7 years, and our desire to restrain Federal spending, the bill before the Senate is well balanced and equitable. The committee has done the best job possible under very difficult circumstances.

I first want to thank the former chairman of the subcommittee, and now ranking member, Senator JOHNSTON, for his assistance in developing this year's bill. The distinguished Senator from Louisiana has been the chairman or ranking member on this subcommittee for many years, and is intimately familiar with every aspect of the energy and water bill. He has been helpful at every step of the way, and his guidance and insight have been invaluable to me and the other members of the subcommittee.

I also thank the chairman of the full Appropriations Committee, and former chairman and ranking member of the Energy and Water Development Subcommittee, Senator HATFIELD, for his help in bringing this bill before the Senate. Senator HATFIELD has extensive knowledge of the programs funded in this bill, and we relied on his expertise on several occasions during the past few weeks. As chairman of the full committee, the distinguished Senator from Oregon has the tremendous responsibility of ensuring that all 13 appropriations bills will be enacted prior to the end of the fiscal year. At the rate the committee is reporting the bills to the Senate, it appears that we will reach that objective. What happens after we have reported them out

and gone to conference and reported them out of conference and through the floors of both bodies, I do not know.

Mr. President, the Energy and Water Development Subcommittee funds programs in both the defense and nondefense areas. Our total 602(b) allocation is divided between these two categories, and is consistent with the budget resolution's firewalls separating defense and nondefense spending.

Although we are below our total 602(b) allocation for both budget authority and outlays, we are constrained by our budget authority allocation for defense programs, and our outlay allocation for nondefense. There is no room left in our allocation to fund programs in either the defense or nondefense areas.

If we were to fund them, or fund them differently, we will have to take away from funding in the bill. I remind Senators, if they choose to take money from the defense portion—and obviously you can ask which portion it is, but I think it is clearly understandable within the budget—if they choose to move defense money to a nondefense program, it is subject to a point of order under the Budget Act and clearly would violate the spirit of the budget resolution of this year. So it is not going to be easy for Senators to have amendments on the nondefense side because they are going to only look to that portion of this bill that is nondefense to try to move money around. That is just the way it is, and especially when you put a firewall up, which we have now imposed for the next 3 years.

Let me give the Senate and those interested in appropriations a little bit of an overall picture.

Fifty-seven percent of the funds in the bill are dedicated to programs in the atomic energy defense activities areas, including nuclear waste cleanup activities. A total of \$11,445,981,000 in budget authority and \$10,906,895,000 in outlays is recommended. This is consistent with the budget resolution crosswalk of \$11,447,000,000 in budget authority, and \$10,944,000,000 in outlays, and the crosswalk is identical to our 602(b) allocation.

The areas where we are recommending the largest reductions in spending are the nondefense programs—the Army Corps of Engineers, the Bureau of Reclamation, nondefense programs in the Department of Energy, and the independent agencies—which comprise only 43 percent of the bill.

The total amount recommended for nondefense domestic discretionary spending is \$8,716,112,000 in budget authority and \$9,271,155,000 in outlays. This is right up against our nondefense outlay ceiling, as I have heretofore described. The nondefense total for budget authority is \$1,458,107,000 below the current year, \$819,108,000 below the President's budget request, and \$481,888,000 below the budget resolution crosswalk.

Due to this dramatic reduction in nondefense spending, the Subcommittee's ability to fund new initiatives is extremely limited, and many existing programs are cut significantly below both the current year and the President's request. For example, we are proposing the following major reductions to current year spending levels:

Army Corps of Engineers—Down \$234.6 million;

Bureau of Reclamation—Reduced \$64.7 million;

Solar and renewable energy—Reduced by \$104.5 million;

Fusion energy—Cut \$147.4 million;

Appalachian Regional Commission—Down \$100 million; and

Tennessee Valley Authority—A \$32.5 million cut.

We are proposing to terminate the following programs or new initiatives within the Department of Energy:

Electric systems reliability research; Russian replacement power initiative;

Civilian waste research and development;

University research instrumentation;

The technology partnership program; and

The in-house energy management program.

The subcommittee also had proposed to agree with the administration's budget request to terminate the Department of Energy's nondefense advanced reactor program. An amendment during the full committee markup, however, restored \$12.5 million for the Gas Turbine—Modular Helium Reactor Program. The subcommittee had included \$7.5 million in its mark for termination costs associated with the gas cooled reactor, and an additional \$5 million was added to reach the \$12.5 million level recommended by the amendment.

Although we are proposing some significant changes in the nondefense activities of the Department of Energy, we have done our best to protect basic science research. It is true that we are proposing major reductions to such worthy programs as solar and renewables and fusion energy, but we have held the line on biological and environmental research, basic energy sciences, and high energy and nuclear physics.

These are the fundamental, basic science missions of the Department of Energy, and are the core competencies we feel are most in need of protection. These programs will have a direct influence on the ability of the Nation to keep pace in many technologically demanding areas, and will support future missions in areas such as the human genome program, one of the world's greatest wellness programs. If it succeeds, we may find cures for thousands of ailments that beset humanity across the world. Other medical research activities, global environmental research, materials and chemical sciences, the physical sciences, and others are retained at high levels to keep us on the cutting edge.

Although we are recommending significant program reductions, we believe we have drafted a more balanced bill than the House. We have restored funds above the House levels for the following programs:

Defense environmental restoration and waste management—\$724.3 million; Solar and renewable energy—\$17.2 million;

Soviet designed reactor safety—\$40 million;

Biological and environmental research—\$48.9 million;

Nondefense laboratory technology transfer—\$25 million; and

University science and education—\$30 million.

Another topic deserving mention is the subject of authorizing bill language. We have received numerous requests to include authorizing language for the Corps of Engineers and the Bureau of Reclamation. Unfortunately, due to conflicts with the authorizing committees, we have not been able to accommodate these requests. We are hopeful the authorizing committee will pass a bill this year, and relieve us of these pressures.

At this point, Mr. President, I would like to briefly summarize the bill as reported by the committee.

Title I of the bill funds the water resource development activities of the U.S. Army Corps of Engineers, Civil Works Program. The total new budget authority recommended is \$3,174,512,000, a reduction of \$234.4 million from the currently enacted level, and \$132.9 million below the budget request. The corps' water resources program provides lasting benefits to the Nation in the areas of flood control, municipal and industrial water supply, irrigation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

The committee has rejected the administration's proposals to radically change the civil works mission for the Corps of Engineers. Were these proposals to go into effect in fiscal year 1996, the corps would be involved in only those projects and proposals deemed to be of national scope and significance. While it may at first seem reasonable that the Federal Government only be involved in programs of national significance, a closer look makes it apparent that they were ill-conceived and are counterproductive to the well-being of the Nation.

And the committee has rejected them by not affirming them and acting on some projects in disregard of that new definition.

The most far-reaching of these proposals involves the Corps of Engineers' role in protecting our citizens from the devastating effects of floods. Under the administration's proposal, the corps would only participate in projects that meet the following three criteria: First, more than one-half of the damaging flood water must come from outside the boundaries of the State where the damage is occurring; second, the project must have a benefit-to-cost

ratio of 2 or greater; and third, the non-Federal sponsor must be willing and able to pay 75 percent of the first cost of the project. The practical effect of applying those criteria against all proposed projects would be to terminate the Federal Government's role in flood control activities.

The first criterion alone would eliminate the corps' role in flood control throughout much of the country, including three of our largest States: California, Texas, and Florida. Terminating the Federal Government's role in flood control activities as a way to save money clearly is not one that this committee has decided is right nor is it necessary under moneys we have available. We can continue with a lesser program without tying its hands that much.

The committee also has rejected the administration's proposals to terminate the Federal role in shore protection projects and smaller navigation projects.

Title II of the bill funds activities associated with the Department of the Interior's Bureau of Reclamation and the central Utah completion project. Total funding recommended for these activities is \$816,624,000. This is a reduction of \$64.8 million from the current year's level, and \$16.4 million below the budget request.

Programs and activities of the Department of Energy comprise title III of the bill, and a total of \$16,235,359,000 in new budget authority is recommended. Programs funded under this title relate to: energy supply, research and development activities, uranium supply and enrichment activities, the uranium enrichment decontamination and decommissioning fund, general science and research activities, the nuclear waste disposal fund, atomic energy defense activities, departmental administration, the Office of the Inspector General, the Power Marketing Administrations, and the Federal Energy Regulatory Commission.

For atomic energy defense activities, the committee recommends a total of \$11.429 billion in new budget authority. The programs funded in this area include stockpile stewardship, stockpile management, defense environmental restoration and waste management, verification and control technology, and others. Well over half of the total atomic energy defense activities funds, almost \$6 billion, is for the Environmental Restoration and Waste Management Program. The committee's recommendation is \$724 million above the House for this critical program focused on cleaning up and managing existing waste at various atomic weapons production sites.

Under the energy supply, research and development account, the committee proposes an appropriation of \$2,798,324,000 to fund such programs as solar and renewable energy, nuclear energy, biological and environmental research, fusion energy, basic energy sciences, and other activities.

One of the most difficult decisions made by the committee concerns the Civilian High Level Radioactive Waste Management Program in the Department of Energy. Because the administration requested no discretionary appropriations for the program, the committee has been forced to recommend a course of action designed to put the Nation's civilian nuclear waste program back on track.

Accordingly, the committee recommends a total funding level of \$400 million—\$151.6 million from the nuclear waste fund and \$248.4 million from the defense nuclear waste disposal account—for nuclear waste activities. Furthermore, due to the delay in site characterization activities at Yucca Mountain, and the need for the Federal Government to begin accepting commercial spent nuclear fuel from the Nation's nuclear utilities in 1998, the committee recommends a provision in the bill to establish an interim storage facility at a site yet to be determined.

Finally, Mr. President, the committee proposes a total of \$330,941,000 in new budget authority for a number of independent agencies funded under title IV of the bill. This includes such agencies as the Nuclear Regulatory Commission, the Appalachian Regional Commission, and the Tennessee Valley Authority.

Mr. President, I yield to my friend, the ranking member, Senator BENNETT JOHNSTON of Louisiana.

Mr. JOHNSTON addressed the Chair. The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I thank my colleague for his kind remarks about me. And I want to say, Mr. President, that this is Senator DOMENICI's first appropriations bill but he is a veteran of great leadership in many areas in the Senate, and he has taken to the appropriations process like a duck in water and has put together an excellent bill.

The relationship that I have had over a period of, I think, 18 years with Senator HATFIELD, the Senator from Oregon, who is now the chairman of the full committee—but for those 18 years he and I have switched off as chairman and as ranking minority member of this committee—that relationship is being continued, I am pleased to say, with the Senator from New Mexico [Mr. DOMENICI]. He is a long-time leader in the Senate and long-time friend, and it is a pleasure to work with him on this bill.

This bill is a very, very difficult one, the 602(b) allocation in domestic programs having been cut substantially from what it was last year. And that means that the needs and certainly the requests of our colleagues could simply not be met, Mr. President, because the resources were so minimal in this bill. But the Senator from New Mexico, as a magician, has done an excellent job in at least dealing with the most important priorities in the bill, and I think putting together an excellent bill.

Mr. President, I am pleased to join with the senior Senator from New Mexico [Mr. DOMENICI] in presenting to the Senate the energy and water development appropriation bill for the fiscal year 1996 beginning October 1, 1995. This bill, H.R. 1905, passed the House of Representatives on July 12, 1995, by a vote of 400 yeas to 27 nays. The Subcommittee on Energy and Water Development marked up this bill on July 25, 1995, and the full committee marked it up and reported the bill Thursday, July 27, 1995.

At the outset, I want to commend the chairman of the subcommittee, Senator DOMENICI. This is the first time he has handled an appropriation bill as chairman, and he has done an excellent job in putting this bill together, under very difficult budgetary constraints and circumstances. He is an outstanding Member of the Senate and I am pleased to work with him in connection with this bill and on other matters.

I also want to thank the distinguished Senator from Oregon, Senator HATFIELD, the chairman of the full Committee on Appropriations. Senator HATFIELD and I had probably one of the longest running twosomes in the Appropriations Committee on the Energy and Water Development Subcommittee, I having chaired on and off for a number of years, and Senator HATFIELD having chaired on and off for a number of years, and having rotated as ranking minority member. Beginning this year, of course, Senator HATFIELD is chairing a different subcommittee. We always shared a productive, pleasant, bipartisan, and always, I think, the kind of relationship that Senators seek and glory in when it is present. I treasure his friendship and appreciate the cooperation and assistance given to me.

Mr. President, the Senator from New Mexico has presented the committee recommendations and explained the major appropriations items, as well as the amounts recommended, so I will not undertake to repeat and elaborate on the numerous recommendations. Instead I will just have a few brief remarks summarizing the bill.

#### PURPOSE OF THE BILL

The bill supplies funds for water resources development programs and related activities, of the Department of the Army, civil functions—U.S. Army Corps of Engineers' civil works program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy's energy research activities—except for fossil fuel programs and certain conservation and regulatory functions—including atomic energy defense activities in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission and Appalachian regional development programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title V.

#### SECTION 602(B) ALLOCATION FOR THE BILL

The Energy and Water Development Subcommittee allocation under section

602(b)(1) of the Budget Act totals \$20,180,000,000 in budget authority and \$20,216,000,000 in outlays for fiscal year 1996. Of these amounts the defense discretionary allocation is \$11,447,000,000 in budget authority and \$10,944,000,000 in outlays.

For domestic discretionary the budget authority allocation is \$8,863,000,000 and the allocation for outlays is \$9,272,000,000. The committee recommendation uses nearly all of the budget authority allocation in both categories, so there is no room for additions to the bill as there are no additional outlays available for spending. Therefore, any amendments to add will have to be offset by reductions from within the bill. The bill is approximately 57 percent in the defense [050] function and about 43 percent for domestic discretionary programs.

#### SUMMARY OF RECOMMENDATIONS

Mr. President, the fiscal year 1996 budget estimates for the bill total \$20,681,648,000 in new budget obligations authority. The recommendation of the committee provides \$20,162,093,000. This amount is \$520 million under the President's budget estimate and \$1,464,636,000 more than the House-passed bill.

Mr. President, I will briefly summarize the major recommendations provided in the bill. All the details and figures are, of course, included in the committee report number 104-102, accompanying the bill, which has been available since last Friday.

#### TITLE I, ARMY CORPS OF ENGINEERS

First, under title I of the bill which provides appropriations for the Department of the Army civil works program, U.S. Army Corps of Engineers, the recommendation is for a total of new budget authority of \$3,174,512,000, which is \$45 million below the House and \$133 million less than the budget estimate. It is \$234 million less than the fiscal year 1995 appropriation.

The committee received a large number of requests for various water development projects including many requests for new construction starts. However, as the chairman has stated, due to the limited budgetary resources, the committee could not provide funding for each and every project requested. The committee recommendation does include a small number of new construction starts and has deferred without prejudice several of the largest of the projects eligible for initiation of construction. Because of the importance of some of these projects to the economic well-being of the Nation, the committee will continue to monitor each project's progress to ensure that it is ready to proceed to construction when resources become available. As the committee reports points out, the committee recommendation does not agree with the policies proposed by the administration in its budget.

#### TITLE II, DEPARTMENT OF THE INTERIOR

For title II, Department of the Interior Bureau of Reclamation, the rec-

ommendation provides new budget authority of \$816,624,000 million, which is \$16 million less than the budget estimate and \$40 million under the House bill.

#### TITLE III, DEPARTMENT OF ENERGY

Under title II, Department of Energy, the committee provides a total of \$16.2 billion. This amount includes \$2.8 billion for energy supply, research and development activities, a net appropriation of \$29 million for uranium supply and enrichment activities; \$279 million for the uranium enrichment decontamination and decommissioning fund, \$971 million for general science and research activities, \$151.6 million from the nuclear waste disposal fund, and \$6.6 billion for environmental restoration and waste management—defense and nondefense.

For the atomic energy defense activities, there is a total of \$11.429 billion comprised of \$3.752 billion for weapons activities; almost \$6.0 billion for defense environmental restoration and waste management; \$1.440 billion for other defense programs and \$248 million for defense nuclear waste disposal.

For departmental administration \$377 million is recommended offset with anticipated miscellaneous revenues of \$137 million for a net appropriation of \$240 million. A total of \$312.5 million is recommended in the bill for the power marketing administrations and \$131 million is for the Federal Energy Regulatory Commission [FERC] offset 100 percent by revenues.

A net appropriation of \$197 million is provided for solar programs, including photovoltaics, wind, and biomass and for all solar and renewable energy, \$283.5 million, an increase of over \$17 million over the House bill.

For nuclear energy programs, \$280 million is recommended, which is about \$13 million less than the current level. The major programs provided for included funds to continue the advanced light water reactor program at \$40 million and about \$73 million in termination costs. The sum of \$12.5 million is included for the gas turbine-modular helium reactor [GT-MHR], also known as the gas reactor which I strongly support.

For the magnetic fusion program, the committee is recommending \$225 million, which is \$141 million less than the budget. An amount of \$428.6 million is included for biological and environmental research and \$792 million for basic energy sciences.

#### TITLE IV, REGULATORY AND OTHER INDEPENDENT AGENCIES

A total of \$331 million for various regulatory and independent agencies of the Federal Government is included in the bill. Major programs include the Appalachian Regional Commission, \$182 million; Nuclear Regulatory Commission, \$474.3 million offset by revenues of \$457.3 million; and for the Tennessee Valley Authority, \$110.4 million.

Mr. President, this is a good bill. I wish there were additional amounts for domestic discretionary programs in our

allocation but that is not the case. A large number of good programs, projects, and activities have been either eliminated or reduced severely, because of the allocation, but such action is required under the budget constraints we are facing. I hope the Senate will act favorably and expeditiously in passing this bill so we can get to conference with the House and thereafter send the bill to the White House as soon as possible.

Mr. President, I yield the floor with just the parting comment that it is a pleasure to work with the Senator from New Mexico and with the chairman of the full committee, Mr. HATFIELD.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### FOREIGN RELATIONS REVITALIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 908, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 908) to authorize appropriations for the Department of State, for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HELMS. Mr. President, I am pleased that the Senate has finally proceeded to S. 908, the Foreign Relations Committee's Foreign Relations Revitalization Act of 1995.

This is hallmark legislation, and it represents the first proposal to revamp U.S. foreign affairs agencies since the end of the cold war. It is forward looking legislation that puts our Nation's interests first and instructs the United States to organize and streamline its operations for the 21st century, which is just around the corner.

I wish I had the ability of Abraham Lincoln, who so ringingly affirmed the essence of what we are as a nation. And he did it on the back of an envelope. There are not many individuals who have Lincoln's wisdom, and certainly I do not, but I can say that in drafting this bill, the Senate Foreign Relations Committee relied heavily on the wisdom of many individuals and on numerous studies made by several administrations of both parties. Those studies focused on how the United States could better organize its foreign affairs institutions. We have received the counsel of five former U.S. Secretaries of State whose services spanned the