



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142

WASHINGTON, TUESDAY, SEPTEMBER 17, 1996

No. 128

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious, loving Father, who has taught us to give thanks for all things, to dread nothing but the loss of closeness with You, and to cast all our cares on You, who cares for us, set us free from timorous timidity when it comes to living the absolutes of Your Commandments and speaking with the authority of Your truth. We are living in a time of moral confusion. We talk a great deal about values, but have lost our grip on Your standards. Bring us back to the basics of honesty, integrity, and trustworthiness. We want to be authentic people rather than professional caricatures of character. May people know that they will get what they see. Free us from capricious dissimulations, from covered duality, from covert duplicity. Instead of manipulating with power games, help us motivate with patriotism, grant us the passion we knew when we first heard Your call to political leadership, the idealism we had when we were driven by a cause greater than ourselves, and the inspiration we knew when Your Spirit was our only source of strength. May this be a day to recapture our first love for You and our first priority of glorifying You by serving our Nation. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately begin consideration of the conference report to accompany the energy and water appropriations bill. Following the debate, at 11 o'clock the Senate will then resume consideration of the Interior appropriations bill, with the Bumpers amendment regarding grazing fees pending. The Senate will recess for the party conference lunches between the hour of 12:30 and 2:15 p.m. At 2:15, there will be an additional 20 minutes for debate on the Bumpers amendment and, following that debate, the Senate will proceed to two consecutive votes, first on or in relation to the Bumpers amendment to be followed immediately by a vote on adoption of the energy and water appropriations conference report.

Following those votes, the Senate will resume consideration of the Interior appropriations bill and additional votes can be expected on amendments to that bill this afternoon. It is hoped, with the cooperation of our colleagues, the Senate can complete action on the Interior appropriations bill this evening, hopefully.

Again, Senators can expect busy sessions this week and should plan accordingly. It will be almost impossible to complete our Senate business in the time we have allocated if Members expect no rollcall votes in the evenings because of prior commitments. Last week I had requests: That we not have votes during the day on Monday or on Monday night; please do not have one on Tuesday morning; could we not have one on Wednesday night; how about on Thursday? I was thinking maybe we could just stack all the votes at 10 o'clock on Wednesday.

I would like to accommodate all Senators, and many of these requests are very legitimate. Sometimes they are based on very important commitments or illness or all kinds of things. But I

think, during the next few days, as we try to come to the conclusion of this session, Senators need to be very hesitant to request such delays in votes.

I remind all Senators that, if they insist on offering nongermane amendments to these appropriations measures, it will only delay disposition of the important spending bills as we approach the end of the fiscal year.

Also, we are going to work very hard this afternoon and tomorrow and Thursday to see if we cannot take up some other issues. Always we try to work on conference reports when they are available, particularly if they are appropriations conference reports. We are working to see if we can get some clear understanding on time and very tight limit on amendments, if any, on the Federal Aviation Administration authorization. We need to get that done before we leave. I would like to see if we cannot get that done tonight, with the debate occurring after we complete debate or action on the Interior appropriations. We might take up the FAA authorization, say at 6 or 7, and let all the debate time go on tonight with vote or votes on that occurring first thing in the morning.

Tomorrow I would like to see if maybe we can do the Magnuson fisheries bill. We have a lot of work done on that. We need to get it done before we leave. Again, maybe we could work on the debate during tomorrow night, with votes occurring on Thursday morning.

We are also going to see what sort of time would be desired if we took up the maritime bill.

So, my thinking is during the day, for the most part we will stay on the appropriations bills, either Interior appropriations or the energy and water conference report, as we are doing this morning, and then at night we will try to take up some of these authorizations that have been agreed to or we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S10617

are trying to get agreement on. That way we can make good progress during the week.

I want to emphasize something I said about nongermane amendments. We have good managers of this bill. This is an important bill. Yes, it has some controversial features in many and various areas, but you have the chairman of the committee, Senator SLADE GORTON, who has been doing very good work, and the ranking member from West Virginia, Senator BYRD, who are certainly two of the best managers we have. I urge my colleagues do not come in with a lot of nongermane amendments. Last week we saw over 10 amendments offered, most of them nongermane.

I have been playing it straight. I am trying to see that we get our work done. But, if we wind up seeing this is just a political game, then we will not be able to get this legislation done. And we will not tolerate it. Then we will get into a total political mode. We should do the business of the people and then we can go out and campaign for reelection based on political issues that we think need to be debated. We should not do it here on the floor of the Senate with nongermane amendments. I hope that will not happen this week as it did last week, which caused us to have to take down the Treasury-Post Office appropriations bill. Apparently we will not be able to get it back up. So we will just have to put that bill in the continuing resolution, which I hope we can get an agreement on sometime by the end of the week and vote on in some form next week.

Mr. President, I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the report on H.R. 3816 will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 12, 1996.)

The PRESIDING OFFICER. The time until 11 a.m. will be divided: 15 minutes to the distinguished Senator from New Mexico [Mr. DOMENICI]; 15 minutes under the control of the Senator from Louisiana [Mr. JOHNSTON]; 15 minutes under the control of the Senator from Michigan [Mr. LEVIN]; the remaining 15 minutes under control of the Senator from Illinois [Mr. SIMON].

The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I am pleased to bring to the floor the conference report to accompany H.R. 3816, the Energy and Water Development Appropriations Act for fiscal year 1997.

This conference report passed the House last Thursday by a vote of 383 to 29. I thank again the former chairman of the subcommittee, and now ranking member, for his assistance in developing this bill.

I also thank the chairman of the full Appropriations Committee, former chairman and ranking member of the Energy and Water Development Subcommittee, Senator HATFIELD, for his help in bringing this bill before the Senate. His guidance and assistance with regard to allocations has been of tremendous importance, and the subcommittee is indebted to his leadership.

This conference report is consistent with the allocations set forth in the Senate Report 104-320. Specifically, the conference provides \$11.352 billion in budget authority and \$11.39 million in outlays for defense activities.

For nondefense activities, the conference report provides \$8,620,000,837 in budget authority and \$8.884 billion in outlays.

These levels are significantly above the levels of the House-passed bill but below the levels provided by the Senate and passed as its energy and water development bill.

Of the \$700 million difference between the House and Senate on the proposed level of defense spending in this act, the conferees retain \$500 million—a long way toward the Senate position but still \$200 million less than the Senate-passed bill.

In other words, we funded \$200 million more of defense programs in this bill when it passed the Senate than this bill has in it as it returns from conference.

For nondefense spending, the conferees were provided an allocation of \$100 million above the original House allocation—better than a split of the \$187 million difference between the two bills. Nonetheless, it is \$87 million less for the nondefense portion than it was when it passed the Senate.

Why do I make these points on the \$200 million and the \$87 million? Because some projects and activities that were in the bill as it passed the Senate are not in the bill as it returns from the House. That is because there was less money allocated and arrived at as an agreement between the two bodies on what could be spent from the overall budget. But, clearly, we are within the caps established for defense. We have not used any more than the allocation. In fact, we returned some of the defense allocation to the full committee for them to use either in defense or otherwise. That will, obviously, be reallocated if it is not very soon so that we can get on with trying to solve some of the problems in other bills and other needs.

To the best of our abilities, the conferees have sought to protect science and technology programs from significant reductions while providing for the water projects of importance to so many Members.

In essence, this is a very interesting bill. Clearly, a majority of the funding goes to the Department of Defense activities within the DOE. Nonetheless, there is a large portion that is not defense activities, and that is domestic activities which essentially are made up predominantly of water projects, reclamation projects, and the like, of both the Corps of Engineers and the Bureau of Reclamation. Everyone knows with reference to both of those entities and the projects that as they run, operate, start, and complete, the funding is going down, not up.

Again, we were not able to give every State the projects in flood control and the like that Senators had requested, but we think we have done as good a job as the money would permit.

Mr. President, on page 37 of the report before us there is a typographical error. I would like to just read the paragraph at the bottom of page 37.

The conferees have, however, included language in the bill which directs the Secretary of the Army to begin implementing a plan to reduce the number of division offices to no more than eight and no less than six on April 1, 1997, which provides authority for the Corps of Engineers to transfer up to \$1.5 million into this account from other accounts in this title to—

“Mitigate” should be the word, and not “investigate.”

Mitigate impacts in the delay in the implementation of the division closure plan.

Mr. President, I would like to take a few minutes and talk about the ranking member, Senator J. BENNETT JOHNSTON, from the State of Louisiana, who has for many years been chairman of this subcommittee and has served in various capacities, including chairman of the Energy and Natural Resources Committee of the Senate. He has decided that he is not going to seek reelection, and thus will leave the Senate.

In 1972, when I came to the U.S. Senate, I was met by a lot of new faces, people I had never known, or people I had perhaps read a little bit about. One of those new Senators was J. BENNETT JOHNSTON.

I would like to state the relationship for the last 24 years. While we have to some extent gone our own ways in work around here, Senator JOHNSTON and the Senator from New Mexico have had a rare opportunity to work together in many, many areas that I believe have been very important to our country. He has become an expert in the area of nuclear energy. He is courageous in that area second to none. He understands it. He is not frightened by it. He gets good science and good engineering. He takes the initiative to try to get the facts where many would seek not to have facts, but rather to predicate their arguments on sentiments