

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

and on ideologies. He seeks to get the facts in the field of energy.

So I conclude that he is also one of the best experts on the research capabilities of our Nation in that he has worked diligently to understand the national laboratories, a number of which are under the jurisdiction of the Department of Energy. In fact, I believe there is no better friend of basic science research than J. BENNETT JOHNSTON in the U.S. Congress. He has not only spoken to it and has become expert at it, he has acted accordingly. He has become an ally of the United States maintaining the highest level of science in the Department of Energy through its nuclear defense laboratories.

Today, I want to thank him for his efforts, congratulate him for his wisdom, his vision and, most of all, his courage. And I believe I would be remiss if I did not say that J. BENNETT JOHNSTON is without peer in the U.S. Senate when it comes to legislators. When it comes to sitting around working with Senators, trying to get a bill passed, he is a master. He is going to be missed. This committee is going to miss him. The Energy and Water Committee is going to miss him. The U.S. Senate will miss him, and the Congress will miss him.

Mr. President, I see Senator COATS, from Indiana, on the floor. I inquire, would he like to speak on the bill now?

Mr. COATS. I have a hearing this morning at 10. If I could do that now, I will not take a lot of time. I will be happy to do that.

Mr. DOMENICI. I am going to yield the floor so he can use some of his time. The other Senator who desired to speak, for whom time is reserved, is Senator SIMON from Illinois. I would like to put him on notice, at this point we do not intend to use our 45 minutes, just a small portion of it. Senator JOHNSTON is not going to use any of his time. So, it would seem that the Senator from Illinois should be prepared to make his 15-minute remarks very soon. I hope he will be prepared to do that.

I do not mean to make things unaccommodating but, frankly, we do not need 45 minutes. I do not have any objections of any significant nature to this bill.

I yield at this point to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I thank the Senator from New Mexico for yielding this time. I asked for the time in order to explain the situation to our colleagues over the whole issue of out-of-State trash.

As my colleagues know, this has been an issue that I have been relentlessly pursuing now for 7 years or so, with great success in the U.S. Senate but lousy success in the House of Representatives, in terms of getting a bill to conference that we can then work out our differences on and put on the President's desk for signature.

Five times in the last 6 years the U.S. Senate has voted for legislation I have presented regarding this question of out-of-State trash, and voted so in a fairly overwhelming, bipartisan fashion. The bills that we have presented have been the work of some very diligent and painstaking work with our colleagues and their staffs to attempt to find a resolution to a very difficult problem that exists in almost every one of our States.

Many of our States, because of their population or their geographic location, environmental concerns or others, find themselves in a position where they are not able to adequately dispose of the volumes of trash that are generated on a day-to-day basis. Other States have less density and capacity to receive some of that trash.

We are not attempting to impede the negotiated transfer of that trash from exporting States to importing States. What we are attempting to do, and what I have attempted to do now over the last 6 or 7 years, is to fashion a way in which the importing States, of which I represent one, have a say in the process.

Right now, because the Supreme Court has decreed over a number of decisions that garbage, interstate trash, is considered interstate commerce, the States have virtually no authority to regulate or to monitor or to place any limitations on the amount of out-of-State trash that comes into their particular States.

My effort has been to put them at the table so that they can sit down with the exporting States and find a way to negotiate, if it is in their best interest—and it is in the interest of many States to receive this because it is commerce and it does generate revenue—but also to say that either we cannot do this now or our own needs have placed us in a situation where we are at capacity and we cannot receive your trash, and you will have to work something else out. In other words, we want to give the recipient communities and States the right to dictate their own environmental future as it relates to the generation of everyday trash, which is literally millions of tons across this country.

Recognizing the problems of the exporting States, recognizing the problems of the importing States, we have been able to work with Senators, Governors, legislators, experts, waste haulers and others to fashion a compromise piece of legislation which gives importing States the right to say no or to limit reasonably, but which also preserves the right of exporting States to enter into agreements with the recipient States and/or counties and/or municipalities if they so desire.

As I said, these measures have passed the Senate in an overwhelmingly bipartisan fashion, only to hit a roadblock, particularly in the last Congress, in the House of Representatives. The relevant subcommittee in the House passed out a measure, I believe, by

unanimous vote but was never able to secure a full Commerce Committee hearing or full Commerce Committee disposition of that issue. And so, because that has been stalled in the other body now for more than a year, because our previous efforts have been frustrated, sometimes in the House, sometimes in the Senate, but frustrated in terms of completing the process, I took the opportunity, along with Senator LEVIN, to search out a vehicle which we thought was as close to relevant as we could get, and attach what the Senate had passed, on an overwhelming basis—94-6, a pretty solid vote—attach that to the energy and water appropriations bill.

That is not my preferred option. My preferred option is to make it a stand-alone bill, as we did in the Senate, and have the House take it up in a stand-alone bill, but we were thwarted in that effort on the House side. So we thought, is there a way we can jumpstart this process in the House? So we attached it to the energy and water appropriations bill, which then passed the Senate and went over to the House.

After some diligent efforts to encourage the conference committee to pass back to the House and the Senate their conference bill with the Senate trash amendment attached, we were disappointed to learn that the House, despite some diligent efforts on the part of some Indiana colleagues and others, friends in the House who supported this effort, Congressman SOUDER, Congressman BUYER, Congressman VISCLOSKEY, Republicans and Democrats, we were not able to secure approval from the House conferees on this matter. So the energy and water bill conference report comes back to us without the interstate trash measure attached.

I am bitterly disappointed that once again we are unable to deal successfully with a problem that everybody knows needs to be dealt with. It is not just my State of Indiana, which has seen a fairly dramatic decrease in the amount of trash come into the State. Since I have taken such a vocal and active role, I think maybe the exporters and trash haulers are trying to tone down my rhetoric or dampen my enthusiasm for moving forward on this legislation. But what has happened is that trash has simply moved to another State—Pennsylvania, Ohio, Kentucky, Michigan, Virginia. A number of other States have now become unwanted recipients and virtually have no power to do anything about it.

By the same token, we have seen a fairly dramatic increase in the export of trash to Indiana. The first two quarters of 1996 now total almost the entire amount we received in 1995. So our line has gone back up, and the problem is becoming serious again in Indiana.

But I am really here speaking for a broad coalition of States, of members of both parties, of Governors who represent both the Democrat and Republican parties, of States that feel that

they have no control over their environmental future, over their environmental destiny. And they are basically saying, "Look, we're taking care of our problem intrastate, and we are simply asking that we have an opportunity to address successfully our environmental goals in disposing of our own waste without being overwhelmed by someone else's environmental problems that are loaded onto trucks and loaded onto trains, on a daily basis, shipped overnight, and dumped in our landfills."

We have landfills in Indiana that, by referendum and painstaking efforts on the part of municipalities, have been created, with the promise to the taxpayers, the promise to the citizens of the community, that it will take care of disposal needs for that municipality or that county for 15, 20, 30 years in the future. And so bond referendums are passed, the taxpayers commit to it, only to find out those landfills are filled up in 2 years by a massive influx of out-of-State waste over which we have no ability to say no or to let us reason together here. "We can't take yours, but there's one down the road that might be able to accept it, or you can enter into an agreement, and maybe if we can work out some negotiated payments, and so forth, we can create a bigger capacity, and we will take it to generate revenue for our communities and our schools and our roads," et cetera.

So here we are now with the energy and water conference report back without the trash. Trash, once again, has been allowed to flow without any reasonable restraints. I regret that.

But I wanted to let my colleagues know the diligent efforts that we have been making in the Senate, the representation of our Senate conferees, Senator DOMENICI, Senator JOHNSTON, representing the Senate position, but we simply were not able to prevail over the House position and those in charge who wanted to keep the energy and water appropriations report free of this particular legislation. I realize it is not directly relevant, but I am frustrated that I do not have any opportunity to move the process forward except to offer these kinds of amendments.

I will conclude simply by putting the majority leader on notice that Senator LEVIN and I, Senator SPECTER and others, are seriously considering adding an amendment to a continuing resolution if, in fact, we have to have a continuing resolution—not because we want to make the majority leader's life any more difficult than it already is, not because we want to delay the Senate adjournment, not because we think it even necessarily belongs on a continuing resolution, but because we have literally run out of options.

It will do no good in the Senate to pass the bill a third time. The House has made every possible effort—maybe there are some other means they could use between now and the end of the session to try to force the key people in the House to accept some type of legislation that deals with this so we can at least get to conference and resolve our

differences. Every effort that has been attempted over there has come up with an inability to finalize the process. So we will be looking at that.

I just want to put the majority leader and my colleagues on notice that this issue is not going to go away. It is not getting any better. It is getting much worse for many, many States. As long as I have breath and am privileged to represent the people of Indiana in the U.S. Senate, I am going to look for every way possible to pass this legislation to give our States and other States the right that I believe they should constitutionally have to make decisions that affect their own environmental destiny, their own futures, and deal with their problems.

It is reasonable legislation. We have every reason to believe it is constitutional legislation. The Court has clearly said that this Congress has the authority to regulate interstate commerce. We are not attempting to stop interstate commerce. We are simply attempting to put the receiver and the Senator at the table so they can reasonably negotiate this flow of trash from one State to another without imposing one State's burden on another State, when that State has no ability to negotiate terms.

I want to thank the Senator from New Mexico for his efforts in helping us to try to move the Senate position. I want to thank the Senator from Louisiana, Senator JOHNSTON, for his efforts. I know I have loaded their bill with something that they were not happy to see, but yet they attempted to advance the Senate position. They have been supporters of my efforts. I appreciate their efforts. I know they feel it is also unfortunate that we have not been able to move this. With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico has 31 minutes remaining.

Mr. DOMENICI. Mr. President, I am going to speak for 2 minutes because I see Senator SIMON is here and would like to speak.

Senator MCCAIN asked that we seek a rollcall vote. Therefore, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I say to Senator COATS, I think oftentimes in the Congress it takes a lot longer for good things to get done than anybody around would ever imagine. I believe the cause that the Senator is talking about here today is one of those.

The reason I helped on the floor is because it is inconceivable to me that we will not make the Coats legislation the law of the land, it has such overwhelming support in this body. If you really have a vote in the House of Representatives, it has overwhelming support there.

I am very sorry we are going to conference with a major piece of authorizing legislation that was not in the House bill—that I could not succeed in keeping it there. Obviously, the House

has different factions in regard to this bill. We were caught by those factions and something procedural that is not part of the Senate's business. We did the right thing here in the Senate to give it a try.

I thank you for your kind remarks this morning. I think we did everything we could and still get a bill on appropriations. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I thank my colleague from New Mexico for yielding.

I rise to express concern as to what is not in this bill. Thanks to the cooperation of Senator DOMENICI—on a piece of legislation that is cosponsored by Senator BROWN, the Presiding Officer—we did pass legislation authorizing research in the area of converting salt water to fresh water.

Now, that may seem not very important, but long term, 20 years from now—if I am around 20 years from now; the Presiding Officer will be around—the headlines in the newspapers are not likely to be about oil. They are likely to be about water.

Let me give a capsule of where we are in the world and what we need to do to start moving ahead in the same way that Senator DOMENICI has been moving ahead on mental health. Sometimes you have to lose a few battles before you win the battles. We are in a situation where, depending on whose estimate you believe, in the next 45 to 60 years we will double the world's population. Our water supply, however, is constant. Now, you do not need to be an Einstein to understand we are headed for major problems. Yet 97 percent of the world's water we cannot use. It is salt water. We live on less than 3 percent of the water. I say less than 3 percent because a lot of the fresh water is tied up in snow and icebergs and other things. We are headed toward major problems.

The World Bank says in 20 years 35 nations will have severe water problems. You can find substitutes for oil. There is no substitute for water. That is why people like President Sadat, the late Prime Minister Rabin and others have said if there is another war in the Middle East, it will not be over land, it will be over water.

There have been people in the past who have recognized this need. It is interesting, Mr. President, that Dwight Eisenhower, President of the United States, did on several occasions mention that this is an area we have to move ahead on. In his final message to Congress, his final State of the Union Message, Dwight Eisenhower said one of the things we have to work on is finding less expensive ways of converting salt water to fresh water. The reality is the cost of fresh water is gradually going up, the cost of desalinating

water is gradually coming down, but there is a great gap there. That great gap is going to hurt us unless we move in the area of research. What I was trying to do and what we had on the floor here is we put \$5 million out of the \$14 million that are authorized.

Dwight Eisenhower was not alone. In 1962, John F. Kennedy was asked at a press conference, What is the most important scientific breakthrough you would like to see during your term as President? He said, "You heard me talking about getting a man to the Moon, but let me tell you if you really want to do something for humanity, we should find a less expensive way of converting salt water to fresh water."

Almost 70 percent of the world's population lives within 50 miles of the ocean. If we could get a breakthrough on converting salt water to fresh water, California would not have the problems it is heading toward and California could share water with New Mexico and other States. I was looking through reports on rural water districts and was looking at New Mexico the other day, and in New Mexico, unlike Illinois and many other States, there is an inadequate water supply for a lot of rural communities. Desalination, in some cases converting brackish water to fresh water—primarily we have to be looking toward converting seawater to fresh water. And it is interesting—I was in Israel about 3 weeks ago. I met with the new Prime Minister and with former Prime Minister Shimon Peres. Let me tell you, every Israeli public official can speak very knowledgeably about water because it is so crucial to their future. We have not had a significant breakthrough since 1978 in this research. At one point, in current dollars, we were up to about \$121 million a year that we were spending in research. It has gone down. Incidentally, sometimes you accidentally get breakthroughs. Through the breakthrough in reverse osmosis, we developed a breakthrough in renal dialysis for people who have kidney disease. It used to be, if you had kidney disease and you wanted to have renal assistance, you had to go to a hospital. It was a very complicated process. It is still not good, but there was a significant breakthrough. But we need to get additional breakthroughs at this time. It is just vital to the future of humanity.

In areas that do not grow any crops, like much of New Mexico, if you get enough water there, all of a sudden, it is going to be very productive land. There is nothing that could do as much to lift the standard of living of humanity, as a whole, than to find less expensive ways of converting salt water to fresh water. When you double the world's population—and I stress that every estimate is that we are going to double the world's population either in 45 years or 60 years. I have seen, in my lifetime—and I was born in 1928—a tripling of the world population. Fortunately, we have been able to produce

enough food so that the quality of life for most people on the face of the Earth has gone up. That will not continue, unless we find another supply of water.

Converting salt water to fresh water is inexpensive enough for drinking purposes. But the difficulty is that almost 90 percent of the water we use is for industrial and agricultural purposes. That, today, is far too expensive.

One of our problems in Government—and I say this to the Presiding Officer, who is retiring along with me and, I think, maybe looks at these things from a little perspective—one of our problems in Government, as is the problem in American business today, is that we are much too short term in our outlooks. In politics, we are looking at the next election and what is going to happen. In business, it is the next quarterly report or the next stockholders meeting. One of the things, long term, that is vital to humanity, is seeing to it that we have water—water to grow crops, water for industry, water to drink. This water that we take for granted is not something that can be taken for granted in the future.

I mention this now not to raise opposition to this bill, but I will be trying to put this small—and it is small, relative to where we should be—my colleague, Senator HARRY REID said to me, "It is almost embarrassing that we are just asking for \$5 million when you have such a pressing need." I am going to do my best to see that on the continuing resolution we have some money for this purpose. It really is vital to the future of our country. It is vital to the future of civilization. I hope we can move in a constructive direction.

I yield the floor, Mr. President.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. How much time remains now, and who has time?

The PRESIDING OFFICER. The Senator from New Mexico has 29 minutes 22 seconds. The Senator from Illinois has 4 minutes 54 seconds.

In addition, other time is reserved for Senator LEVIN from Michigan, who has 15 minutes, and Senator JOHNSTON from Louisiana, who has 15 minutes.

Mr. DOMENICI. Let me repeat, using my time, for Senator LEVIN, I understand that, according to the consent order, we could be here until 11, and, technically, he could come here 15 minutes before and use his time. I hope he tries to get here sooner than that because we are going to be finished soon, and I will yield back whatever time I have and leave the floor for Senator LEVIN. Let me take a couple of minutes to engage in dialog.

Mr. SIMON. Mr. President, I yield the balance of my time.

Mr. DOMENICI. On my time, let me compliment the Senator from Illinois. As on much legislation around here, he has, again, taken a farsighted view. I hope when you speak of living near oceans, you will add to your thoughts and comments that there are millions

who live near brackish pools that look like seas, they are so big. We have a giant one around the community of Alamogordo, NM, a huge brackish underground reservoir. It varies in its degree of salinization. On one end, it is almost fresh. On the other end, it is contaminated mostly by salt.

It would transform many situations in our Nation, much less the world, to water-supply long instead of water-supply short. I am not sure that \$5 million would do the job. I think it is appropriate—and the Senator alluded to it—other countries are spending significant money. I know that in the Middle East substantial money is being spent by Israel, and others, in attempting to make the scientific breakthroughs. Obviously, we have many ways that we have proven up scientifically to produce potable water for drinking. It is economic in that sense. People are going to have drinking water, because of a number of breakthroughs of the last decade, at rather reasonable rates. It is the larger context of need that desalinization looks like a very exciting and much-needed technology that we ought to work on.

The Senator alluded to the last time we funded desalinization projects. The last desalinization plant attempting to make breakthroughs was actually Roswell, NM. It existed for 3 or 4 years after everything else was shut down in the program. Frankly, the costs were extremely high at that point, in terms of whether we were anywhere close to a breakthrough. I assume much technology has gone through the pipeline since then, and we are probably getting closer.

I am sorry that the House would not accept your \$5 million proposal. Obviously, we had a lot of requests and a shortage of money. On the domestic side, which this would be, it is not part of the defense programs in this bill. We actually had to remove many projects, or reduce them dramatically, that both Houses considered as being good. That is because we did not have enough money. This one fell to the House's action on the basis that they did not consider it and they did not have appropriate hearings in the House. I regret that is the case.

I thank the Senator for his efforts.

Mr. SIMON. If my colleague will yield, let me say that the conversion of brackish water is less expensive than the conversion of sea water. It is one of these areas where the two work together. If we can find the answer for one, we are going to find the answer for the other.

The Senator is correct that other nations are doing more. It is very interesting that the metropolitan water district of Los Angeles, which is the biggest water district in the United States—maybe in the world, I don't know—is doing some research on desalinization. They are getting \$3 million in aid from Israel for their experiment, for their research. You know, we really should not have to depend on foreign aid to get this research done.

We ought to be working with other countries. I am not going to be here next year. I hope we can get a small start for the \$5 million yet this year in the continuing resolution. And then I hope in the future, when Senator DOMENICI, Senator SPECTER, and others are here, that Senator DOMENICI can push this area that is so important.

Let me just add one final word. Shimon Peres wrote a book in which he says that the real key to stabilizing the Middle East is finding less expensive ways of converting saltwater to freshwater. That was one of the points that Dwight Eisenhower made a long time ago.

I thank my colleague for yielding.

#### BUDGET IMPACT OF H.R. 3816

Mr. DOMENICI. Mr. President, H.R. 3816, the Energy and Water Development Appropriations Act, 1997, is well within its budget allocation of budget authority and outlays.

The conference report provides \$20 billion in budget authority and \$13.1 billion in new outlays to fund the civil programs of the Army Corps of Engineers, the Bureau of Reclamation, certain dependent agencies, and most of the activities of the Department of Energy. When outlays from prior year budget authority and other actions are taken into account, this bill provides a total of \$19.9 billion in outlays.

For defense discretionary programs, the conference report is below its allocation by \$248 million in budget authority and \$194 million in outlays. The conference report also is below its non-defense discretionary allocation by \$87 million in budget authority and \$85 million in outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this conference report be inserted in the RECORD at this point.

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

#### ENERGY AND WATER SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT (Fiscal year 1997, in millions of dollars)

	Budget author- ity	Outlays
<b>Defense discretionary:</b>		
Outlays from prior-year BA and other actions completed .....		2,863
H.R. 3816, conference report .....	11,352	8,176
Scorekeeping adjustment .....		
Subtotal defense discretionary .....	11,352	11,039
<b>Nondefense discretionary:</b>		
Outlays from prior-year BA and other actions completed .....		3,970
H.R. 3816, conference report .....	8,621	4,914
Scorekeeping adjustment .....		
Subtotal nondefense discretionary .....	8,621	8,884
<b>Mandatory:</b>		
Outlays from prior-year BA and other actions completed .....		
H.R. 3816, conference report .....		
Adjustment to conform mandatory programs with Budget Resolution assumptions .....		
Subtotal mandatory .....		
Adjusted bill total .....	19,973	19,923
<b>Senate Subcommittee 602(b) allocation:</b>		
Defense discretionary .....	11,600	11,233

#### ENERGY AND WATER SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT—Continued (Fiscal year 1997, in millions of dollars)

	Budget author- ity	Outlays
Nondefense discretionary .....	8,708	8,969
Violent crime reduction trust fund .....		
Mandatory .....		
Total allocation .....	20,308	20,202
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary .....	-248	-194
Nondefense discretionary .....	-87	-85
Violent crime reduction trust fund .....		
Mandatory .....		
Total allocation .....	-335	-279

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. D'AMATO. Mr. President, will the distinguished chairman of the subcommittee yield for a question?

Mr. DOMENICI. I am happy to yield to my friend from New York.

Mr. D'AMATO. I thank my friend. While there has been an overall reduction from the budget request for the environmental restoration and waste management nondefense account, I would like to get an understanding from the chairman as to the priority the committee places on meeting the vitrification and closure schedule at the West Valley demonstration project in western New York. The project has been able to maintain schedule and progress while accommodating budget reductions over the past 6 years.

The project began pouring glass this summer and is currently poised to complete this phase on or ahead of schedule. The project is also at a crucial juncture regarding the completion of the work necessary to ultimately close the site. Would the chairman agree that the Department of Energy should spend the funds from this account necessary to keep this project on schedule?

Mr. DOMENICI. In order to stay within the nondefense allocation provided to the conferees it was necessary to reduce funding for a number of programs including the nondefense Environmental Restoration and Waste Management Program. To the extent possible, the Department should apply those reductions in a manner that minimizes delay and impact on ongoing, high priority activities such as the West Valley demonstration project.

Mr. D'AMATO. I thank the chairman.

#### ANIMAS-LAPLATA PARTICIPATING PROJECT

Mr. CAMPBELL. Mr. President, I would like to make just a few brief comments on one important provision adopted into the conference report to accompany H.R. 3816, the fiscal year 1997 energy and water appropriation measure. However, I would first like to recognize and commend the work of the conference committee for their efforts to develop a conference agreement that is acceptable to many Members of this Chamber, recognizing and settling several controversial issues that had to be dealt with in conference.

Mr. President, one provision the conference committee had to address dur-

ing its deliberations was the issue of continuing funding for the Animas-LaPlata participating project in southwestern Colorado. I appreciate the efforts of the conference committee for appropriating \$9 million in fiscal year 1997 to permit the Bureau of Reclamation to continue their efforts with construction costs associated with the A-LP project.

As was discussed in great length and voted upon previously in both Chambers of the Congress, the completion of the A-LP participating project has both tremendous Federal Indian policy implications as well as an incalculable tangible impact for many water users in southwest Colorado and northern New Mexico. When the Congress passed, and President Reagan signed into law, the Colorado Ute Indian Water Rights Settlement Act of 1988, the Federal Government guaranteed to the two Colorado Ute Indian tribes a final settlement of their outstanding water rights claims in a solution that would also allow them to put to use their entitled share of settlement water.

In addition, the 1988 Settlement Act reconfirmed the commitment of the Federal Government to assist water users in the San Juan River basin in the development of an adequate water storage system. Cities such as Durango, CO, to Farmington, NM, stand to benefit from completion of the A-LP project, and equally important, traditional agricultural users will also benefit.

While I am glad the conference committee provided funding based on the practical merits of the A-LP project, I am dismayed that actions of the administration, particularly the Environmental Protection Agency [EPA], continue to cause undue and very costly delays to full implementation of the 1988 settlement. One very clear example of the egregious behavior on the part of the EPA is their inability to work actively and constructively with the Bureau of Reclamation and other Department of Interior agencies to resolve outstanding environmental compliance issues on the project.

As recently as a few weeks ago, the EPA again requested of the Commissioner of the Bureau of Reclamation an additional 90 days to review the Final Supplemental Environmental Impact Statement [FSEIS]. Mr. President, this action comes after the EPA had already requested one other 90-day extension for review.

Further, in testimony before the Senate Appropriations Subcommittee on VA, HUD, and independent agencies in May of this year, EPA Administrator Carol Browner testified that by August 26, 1996, the EPA would make a determination to, either, sign off on the project or refer the matter to the President's Council on Environmental Quality [CEQ]. Well, here we are, September 17, and no decisions have been made.

I make this point, because as a Member of this Chamber, each of us is responsible and accountable for every taxpayer dollar we spend. When the actions of an agency, such as the EPA, continue to stall the full implementation of a statute signed into law in 1988, merely for political purposes, who loses? The taxpayer loses due to added costs associated with further delay.

Mr. President, I appreciate the work of the energy and water conference committee for their continued support for the A-LP project, and I look forward to working with my colleagues on the respective committees of jurisdiction to ensure that adequate congressional oversight is put in place to permit the timely progression of the project.

#### CORECT PROGRAM

Mr. HATFIELD. Mr. President, in 1988, Congress passed and President Reagan signed in law the CORECT program. This program established a federal interagency board to coordinate renewable energy exports and has been a very successful example of how a very small program, funded at \$2 million per year, can drive the tools of the U.S. Government to assist small businesses in gaining international market share. For example, the U.S. solar industry exports over 85 percent of its product and has now ribbon-cut four new automated manufacturing plants in the United States to meet the growing global markets.

I am concerned that the energy and water development appropriations conference report, now before the Senate, could be interpreted as closing down the CORECT program. Let me clarify with my friend from New Mexico, Mr. DOMENICI, that the pending legislation is not to be interpreted as terminating the CORECT program and that the Department of Energy may utilize other available funds to continue this program, even though Congress has provided no funding for the coming fiscal year.

Mr. DOMENICI. Mr. President, I am well aware of the CORECT program. I want to assure the Senator from Oregon that the Department of Energy is free to propose reprogramming up to \$2 million from other programs to support the CORECT program. I assure my colleague from Oregon that the subcommittee will expeditiously review any such request.

Mr. HATFIELD. I want to thank my friend for his clarification of this important matter.

#### FUSION

Mr. JOHNSTON. As my good friend from New Mexico, the chairman of the Energy and Water Development Subcommittee and many other Members are aware, the subcommittee continues to support a strong Fusion Energy Sciences Program. As noted in the report language accompanying the Senate bill, the committee is pleased by the efforts of the fusion community over the past year to restructure the fusion program. However, despite our

best attempts to keep the budget essentially level this year, we were forced to accept a cut in this important program because of the constraints imposed by the overall low level of funding for the nondefense programs in this bill.

Mr. President, I want to get some additional clarification from my good friend from New Mexico, the chairman of the Energy and Water Development Subcommittee, about the statement of managers language accompanying the Fusion Energy Sciences Program. The language calls for the operation and safe shutdown of the Tokamak Fusion Test Reactor in fiscal year 1997. Is it the chairman's understanding that this language can in any way be interpreted to imply a particular funding level or length of operation for the TFTR in fiscal year 1997?

Mr. DOMENICI. I thank my good friend from Louisiana for pointing out the importance of the Fusion Energy Sciences Program and for his question. The conferees did not specify the level of funding to be provided to the TFTR in fiscal year 1997. We recognized that, because the Congress has not provided the full amount of the request for the Fusion Program, reductions within the program will be necessary. Those reductions will include a reduction in the funds provided to the TFTR. It is the Department's responsibility to determine the proper allocation of funds from within the amount provided in the conference report.

Mr. JOHNSTON. I thank the chairman and note for the record that his understanding and expectation on this issue match mine.

Mr. GORTON. Mr. President, I strongly support the conference report to accompany the fiscal year 1997 energy and water appropriations bill. Included in the fiscal year 1997 energy and water conference report is an amendment that I authored to amend the Northwest Power Act. My amendment, which has received bipartisan support, would amend the Northwest Power Act to establish an independent scientific review panel and peer review groups, to review annual projects to be funded with BPA ratepayer moneys.

Each year, roughly \$100 million in BPA ratepayer dollars are spent to fund fish and wildlife projects that support the Northwest Power Planning Council's fish and wildlife plan. The Northwest Power Planning Council is the regional body, created by the Northwest Power Act, that provides advice and input to BPA in spending the annual \$100 million in fish and wildlife funds. The purpose of the council program is to protect, mitigate, and enhance fish and wildlife populations along the Columbia and Snake River system.

Currently, the single body that provides advice to the council on the expenditure of these funds, is the Columbia Basin Fish and Wildlife Authority [CBFWA]. CBFWA is made up of affected tribal officials, State fish and

wildlife managers, and representatives from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Prior to my amendment, CBFWA members had recommended that roughly 75 percent of the \$100 million annual expenditure go to fund projects that would be carried out by CBFWA members. This is a most serious conflict of interest, one that was brought to my attention several months ago by constituents in my State.

Let me be clear, CBFWA's advice is important. But, I believe that BPA ratepayers expect their hard earned dollars to be spent wisely—not to fund the projects of a select number of groups.

My amendment requires the independent scientific review of projects proposed for funding under BPA's annual program and would remove any suggestion of conflict of interest in prioritizing programs. I believe that advice of independent scientists with expertise on the enhancement of Columbia River fish and wildlife will result in successful implementation of the Northwest Power Planning Council's fish and wildlife program. The council recently recognized the need for independent science recently, and together with the National Marine Fisheries Service, has established an Independent Scientific Advisory Board [ISAB] in order to provide scientific advice to the council and NMFS on the council's plan for fish and wildlife for the river system.

My amendment directs the National Academy of Sciences to submit a list of individuals to the council to serve on an Independent Scientific Review Panel to review projects for funding under BPA's annual fish and wildlife program. I would like to make clear that nothing in the bill language precludes NAS from recommending the same scientists that serve on the ISAB to serve on the newly created Independent Scientific Review Panel, provided that members meet the conflict of interest standards spelled out in the bill language. If ISAB scientists are selected to serve on the newly created panel, such scientists should not be compensated twice for their services.

My amendment also requires that the council establish, from a list submitted by NAS, scientific peer review groups to assist the panel in making its recommendations to the council. Projects will be reviewed based upon the following criteria: Projects benefit fish and wildlife in the region; have a clearly defined objective and outcome; and are based on sound science principles.

After review of the projects by the panel and peer review groups, the panel will submit its recommendations on projects priorities to the council for consideration. The council will then make the panel's recommendations available to the public for review.

The council is required to review recommendations of the panel, the Columbia Basin Fish and Wildlife Authority,



and others, in making its final recommendations to BPA of projects to be funded through BPA's annual fish and wildlife budget. If the council does not follow the advice of the panel, it is to explain in writing the basis for its decision.

Mr. President, an important part of my amendment requires the council to consider the impacts of ocean conditions in making its recommendations to BPA to fund projects. Ocean conditions include, but are not limited to, such considerations as El Nino and other conditions that impact fish and wildlife populations. My amendment also directs the council to determine whether project recommendations employ cost effective measures to achieve its objectives. I want to make an important point here, Mr. President, the bill language expressly states that the council, after review of panel and other recommendations, has the authority to make final recommendations to BPA on project(s) to be funded through BPA's annual fish and wildlife budget. This language was included to clear up any confusion as to the council's authority to make final recommendations to BPA on projects to be funded through its annual fish and wildlife budget.

The amendment goes into effect upon the date of enactment, and it is intended that the provision be used to start the planning process for the expenditure of BPA's fiscal year 1998 fish and wildlife budget. This provision will expire on September 30, 2000.

Mr. President, in closing, I would like to thank Senator HATFIELD and Senator MURRAY, and the Northwest Power Planning Council for their input in the development of the amendment. I believe that the final language, as it appears in the fiscal year 1997 energy and water conference report, reflects a bipartisan effort to make sure that BPA ratepayer dollars are spend wisely.

I believe that my amendment is the first step to restoring accountability in the decisionmaking process for the expenditure of BPA ratepayer dollars for fish and wildlife purposes. I look forward to working, on a bipartisan basis, with my Northwest colleagues to rewrite the Northwest Power Act during the next Congress to ensure that Northwest ratepayer dollars are spent effectively for fish and wildlife, and that the people of the Northwest are given a greater role in the decision-making process.

Mr. DOMENICI. Mr. President, I understand Senator LEVIN does not need his time. In his behalf, I yield back his time. Mr. President, I understand Senator JOHNSTON will yield back his time. In that he is in another hearing, I yield back his time in his behalf.

The PRESIDING OFFICER. All time except the time of the Senator from New Mexico has been yielded back. The Senator from New Mexico retains 14 minutes.

Mr. DOMENICI. Mr. President, I ask the distinguished Senator from Penn-

sylvania how much time does he desire?

Mr. SPECTER. Mr. President, I thank my colleague from New Mexico. I would appreciate 10 minutes.

Mr. DOMENICI. Mr. President, at the suggestion of the majority leader, I yield back all time on the conference report.

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

#### MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for morning business until the hour of 11 a.m., with Senators to speak for up to 5 minutes each. If they need additional time, they can seek time from the Chair.

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

Mr. SPECTER. Mr. President, I ask unanimous consent I may speak in morning business for a period of up to 10 minutes.

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

Mr. SPECTER. Then, Mr. President, I further ask unanimous consent I may be recognized to comment on the intelligence authorization report.

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

#### USE OF FORCE AGAINST IRAQ

Mr. SPECTER. Mr. President, I have come to the floor immediately after attending a meeting with President Clinton, the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and Members of both Houses from both parties on the subject of Iraq. I would like to comment about an issue which I raised specifically with the President, and that is my urging him to submit to the Congress of the United States the issue as to whether there should be force used against Iraq in the gulf.

In time of crisis there is no question, under our Constitution, that the President as Commander in Chief has the authority to take emergency action. Similarly, it is plain that the Congress of the United States has the sole authority to declare a war, and that involves the use of force, as in the gulf operation in 1991, which was really a war, where the President came to the Congress of the United States in January 1991, and on this floor this body debated that issue and, by a relatively narrow vote of 52 to 47, authorized the use of force. It is my strong view that the issue of the use of force in Iraq today ought to be decided by the Congress of the United States and not unilaterally by the President where there is no pending emergency and when there is time for due deliberation in accordance with our constitutional procedures.

I note when the first missile attacks were launched 2 weeks ago today, on September 3, the President did not con-

sult in advance with the Congress, which I believe was necessary under the War Powers Act. That is water over the dam. At the meeting this morning there were comments from Members of Congress about the need for more consultation. I believe the session this morning was the first time that there had been a group of Members of the House and Senate assembled to be briefed by the administration, by the President, and by the Secretary of State and Secretary of Defense.

We know from the bitter experience of the Vietnam war that the United States cannot engage in military action of a protracted nature without public support, and the first place to seek the public support is in the Congress of the United States in our representative capacity. It is more than something which is desirable; it is something which is mandated by the constitutional provision that grants exclusive authority to the Congress of the United States to declare war. We have seen a transition as to what constitutes a war—in Korea, where there was no declaration of war by the Congress, in Vietnam, where there was no declaration of war by the Congress. And we have seen the adoption of the War Powers Act as an effort to strike a balance between congressional authority to declare war and the President's authority as Commander in Chief; and, as provided under the War Powers Act, where there are imminent hostilities, the President is required to consult in advance with the Congress and to make prompt reports to the Congress, although the President does have the authority to act in case of emergency.

My legal judgment is that the President does have authority as Commander in Chief to act in an emergency, even in the absence of the War Powers Act. But when there is time for action by the Congress of the United States, then that action ought to be taken by the Congress on the use of force, which is tantamount to war, which we saw in the gulf in 1991 where the Congress did act. And we may see—we all hope we do not see it—but we may see that in Iraq at the present time.

The Congress is soon to go out of session in advance of the November elections. While we are here, this issue ought to be considered by the Congress of the United States as to whether we are going to have the use of force.

In the meeting this morning, attended by many Members of the House and Senate, both Democrats and Republicans, there was considerable question raised on both sides of the aisle as to what our policy is at the present time, whether we have a coherent policy as to what we are going to do there, not only how we get in but how we get out, and what our policy ought to be.

Those policy issues are really matters which ought to be debated by the Congress of the United States and acted upon by the Congress of the United States.