

the matter under section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note), is amended by striking out "\$3,000,000" and inserting in lieu thereof "\$1,000,000".

SEC. 8100. It is the sense of the Senate that—

(1) international efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords should be supported as an important element in creating a self-sustaining peace in the region;

(2) the Administration should consult closely with the Congress on all efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords; and

(3) the Administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicted war criminals, including any changes in the mission which could affect American forces.

SEC. 8101. Up to \$4,500,000 of funds available to the Department of Defense may be available for the payment of claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997 by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

SEC. 8102. Of the total amount appropriated under title II for the Navy, the Secretary of the Navy shall make \$36,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.

SEC. 8103. (a) FINDINGS.—(1) The North Atlantic Treaty Organization, at the Madrid summit, decided to admit three new members, the Czech Republic, Poland and Hungary.

(2) The President, on behalf of the United States endorsed and advocated the expansion of the North Atlantic Treaty Organization to include three additional members.

(3) The Senate will consider the ratification of instruments to approve the admissions of new members to the North Atlantic Treaty Organization.

(4) The United States has contributed more than \$20,000,000 since 1952 for infrastructure and support of the Alliance.

(5) In appropriations Acts likely to be considered by the Senate for fiscal year 1998, \$449,000,000 has been requested by the President for expenditures in direct support of United States participation in the Alliance.

(6) In appropriations Acts likely to be considered by the Senate for fiscal year 1998, \$9,983,300,000 has been requested by the President in support of United States military expenditures in North Atlantic Treaty Organization countries.

(b) REPORT TO CONGRESS.—The Secretary of Defense shall identify and report to the congressional defense committees not later than October 1, 1997—

(1) the amounts necessary, by appropriation account, for all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to the North Atlantic Treaty Organization for the fiscal years 1998, 1999, 2000, 2001 and 2002; and

(2) any new commitments or obligations entered into or assumed by the United States in association with the admission of new members to the Alliance, to include the deployment of United States military personnel, the provision of defense articles or equipment, training activities and the modification and construction of military facilities.

SEC. 8104. (a) The Secretary of Defense shall waive generally with respect to a foreign country each limitation on procurements from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede arrangements for the reciprocal procurement of defense items entered into under section 2531 of title 10, United States Code, or under any other provision of law, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of warships.

SEC. 8105. It is the sense of Congress that should the Senate ratify NATO enlargement, that the proportional cost of the United States share of the NATO common budget should not increase, and that if any NATO member does not pay its share, the United States shall not pay either.

SEC. 8106. Congress finds that the Defense Base Closure and Realignment Commission directed the transfer of only 10 electromagnetic test environment systems from Eglin Air Force Base, Florida, to Nellis Air Force Base, Nevada.

SEC. 8107. (a) FINDINGS.—(1) The Department of Defense budget is insufficient to fulfill all the requirements on the unfunded priorities lists of the military services and defense agencies;

(2) the documented printing expenses of the Department of Defense amount to several hundred million dollars per year, and a similar amount of undocumented printing expenses may be included in external defense contracts;

(3) printing in two or more colors generally increases costs;

(4) the Joint Committee on Printing of the Congress of the United States has established regulations intended to protect taxpayers from extravagant Government printing expenses;

(5) the Government Printing and Binding Regulations published by the Joint Committee on Printing direct that "... it is the responsibility of the head of any department, independent office or establishment of the Government to assure that all multicolor printing shall contribute demonstrable value toward achieving a greater fulfillment of the ultimate end-purpose of whatever printed item in which it is included.";

(6) the Department of Defense publishes a large number of brochures, calendars, and other products in which the use of multicolor printing does not appear to meet the demonstrably valuable contribution requirement of the Joint Committee on Printing, but instead appears to be used primarily for decorative effect; and

(7) the Department of Defense could save resources for higher priority needs by reducing printing expenses.

(b) SENSE OF THE SENATE.—Therefore, it is the sense of the Senate that—

(1) the Secretary of Defense should ensure that the printing costs of the Department of Defense and military services are held to the lowest amount possible;

(2) the Department of Defense should strictly comply with the Printing and Binding Regulations published by the Joint Committee on Printing of the Congress of the United States;

(3) the Department of Defense budget submission for fiscal year 1999 should reflect the savings that will result from the stricter printing guidelines in paragraphs (1) and (2).

This Act may be cited as the "Department of Defense Appropriations Act, 1998".

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that this bill, S. 1005, not be engrossed, that it remain at the desk pending the receipt of the House companion measure. I further ask unanimous consent that when the House companion measure is passed pursuant to the previous order, the passage of S. 1005 be vitiated and that S. 1005 be indefinitely postponed.

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

Mr. STEVENS. Mr. President, I have a list of a portion of my staff that I would like to have access and have floor privileges through July 23.

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

The list is as follows:

SENATOR STEVENS' HIGH SCHOOL AND COLLEGE INTERNS FOR FLOOR PRIVILEGES

Tuesday, July 15—Antonette Advincula, Kai Binkley, and Sarah Wood.

Wednesday, July 16—Carolyn Coghill, Clint Hess, and James Eklund.

Thursday, July 17—Daniel Cope, Wendi Dow, and Jennifer Burgess.

Friday, July 18—Kelly Eningowuk, Matt Johnson, and Bronwyn Rick.

Monday, July 21—Matt Hopper, Larissa Sommer, and Melissa Kassier.

Tuesday, July 22—James Hayes and Jay McAlpin.

Wednesday, July 23—Jessica Huddleston and Kate Williams.

Mr. INOUE. Mr. President, I commend my chairman, the distinguished Senator from Alaska, for his extraordinary brilliance in managing the bill before us, and to commend Mr. Steve Cortese and Mr. Charles Houy for assisting us in this happy journey.

Mr. STEVENS. Mr. President, I thank the Senator from Hawaii particularly for congratulating our mutual staff, but I think the Senate knows that this partnership between the Senator from Hawaii and myself has gone on now for 29 years, and I consider that to be a formidable friendship and partnership. I am delighted to have the benefit of his advice, counsel, and assistance. He really is a true partner.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. STEVENS. Mr. President, I now ask unanimous consent the Senate turn to the consideration of Calendar No. 107, S. 1004, the energy and water appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1004) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. REID. I ask unanimous consent that while this bill is on the floor, Bill Perret, a congressional fellow, be extended floor privileges.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously, with the distinguished chairman of the full committee, Senator STEVENS, taking care of the defense of our Nation in 1 day in the Chamber, I am challenged and challenge the Senate to do likewise in this very important bill. I hope we can finish tonight. Senators who are within earshot or their staffs, clearly we intend to move right ahead. We know of only two amendments—there may be many, many more, but we know of only two, and we expect Senators who have those amendments to come down here as soon as possible. It is not beyond reason that we can finish this this evening.

I have some brief opening remarks, Mr. President, that I will make at this point. And, again, I ask that Senators who have amendments, whether they be add-ons or deletions, come to the floor and we can accommodate them almost forthwith.

I wonder whether Senator REID would not agree with that statement with reference to anyone on that side who has an amendment. We are ready.

Mr. REID. Yes. I have communicated by telephone with the chief of staff of one of the Senators who is going to offer an amendment, and she indicated that that Senator would be available any time after 3 o'clock today.

Mr. DOMENICI. I thank the Senator.

Mr. President, S. 1004 was reported by a vote of 28 to zero from the Senate Committee on Appropriations on Thursday, July 10, was filed that evening, and it has been available for Members since Friday, July 11.

Senator REID, who this year became the ranking member of the subcommittee, and I have worked closely together to craft a balanced bill. We believe it addresses the concerns of the Members of the Senate and the concerns of the President of the United States.

The recommendation before the Senate provides \$20.7 billion in new budget authority, \$11.7 billion within the defense function, and \$8.9 billion of that is within the domestic discretionary program. In this appropriations bill, in essence, a little over half of its total money is for defense purposes, and most of that, not all of it but most of it, has to do with the preservation and retaining the fidelity of the nuclear ar-

senal that the United States has in these very difficult times when we are building down and we are no longer doing underground testing.

The recommendation is \$1.9 billion in budget authority below the request of the President. That reduction results from the subcommittee's recommendation that we not provide for full asset acquisition, which saved about \$800 million in budget authority, and provide only \$300 million of a requested \$1 billion for an initiative to privatize a portion of the Department of Energy's cleanup work.

Now, Mr. President, I might explain, in no way are we doing less in cleanup. There is an effort to go at this waste cleanup program—which is very, very difficult, very cumbersome, very bureaucratic and costing a lot of money—there is an effort of the administration to move in another direction and to try to come in with privatization, which would permit somebody powerful of resources and of talent to bid a total cleanup project for a certain amount of money and then the Federal Government, when they are finished, would pay them for that.

The Department knows that this is a very big venture requiring some very new management skills, and we in our bill are saying let us take one-third of this new effort, not the whole thing. It was all budget authority with no outlay request attendant to it to speak of. And we said let us go with \$300 million instead of \$1 billion to see how the program works.

It has been modified and language has been supplied in this bill so that the major one that they wanted to go out to privatization bid probably on the west coast will probably fit.

Now, it is interesting that while much time is spent on the defense nuclear aspects, and we could spend this afternoon in debate on the floor on that aspect, there is a large portion of this bill that has to do with funding that is not defense. The discretionary function is \$103 million less than the request.

However, within the lower amount, the subcommittee has increased spending for water projects by \$229.5 million above requests. The offsetting savings were derived principally from the Department of Energy's nondefense functions.

I must tell Senators that of all the subcommittees I have been on that garner comments and letters and requests from fellow members, this small portion of the bill, the water projects of America, brings us more requests than any subcommittee I have served on, because all the water projects in America, the flood protection projects that have the Federal Government involved, the Bureau of Reclamation, and all the Corps of Engineers projects across this land are all in this section—the dredging, the ports that we maintain, and so it is not easy to make ends meet here. Senators are not going to get everything they think their projects need

because we cannot afford them anymore, and two very large projects that are ready to go through the Corps of Engineers, one in West Virginia and one in the State of Kentucky, we cannot start them because of all of the programs that are still backed up in terms of available resources.

The time might come when perhaps a large bipartisan group might want to tell the executive branch, in its next budget, that they better do a little better in this field because we are going to have to take money away from something else in Government to satisfy these needs because so many Senators feel so strongly about them.

The savings that we have put in our bill with reference to the domestic part are \$43 million from solar and renewable energy. The committee recommends \$301 million, a \$35 million increase over last year. That is a \$35 million increase. Mr. President, \$67 million was saved from the Nuclear Regulatory Commission, where it recommends \$243 million, a \$24 million increase over the current year; \$20 million saved from the nondefense cleanup, but we provide \$437.6 million, a \$109 million increase over current year; \$25 million is saved from science by not providing for the next generation of Internet programs—we believe that can wait a year—and \$30 million for the Yucca Mountain program; leaving \$160 million on the nondefense side and \$190 million in the defense function.

We believe this is adequate to move ahead in a steady, go-as-you-can approach that has been taking place for at least the last 3 years. Mr. President, \$18 million was saved from uranium decommissioning and decontamination programs. The committee has protected science funding. And, while it was unable to provide an increase, as many Members requested, it did provide \$2.2 billion of the \$2.3 billion requested in this field. Within the atomic energy defense activities budget, this committee included \$4.3 billion for weapons activities and \$5.3 billion for environmental restoration and waste management.

I think it is noteworthy that we are now beginning to spend more, and this is in billions of dollars, on the environmental restoration and waste management in this country, the result of our nuclear programs with reference to our defense and the use of the various facilities for atomic and hydrogen bombs—we are spending more than we are in the actual weapons activities. And we are moving in a brand new direction in terms of weapons activities, in that we no longer test our nuclear weapons underground. Since we do not, because Congress has said let us not do that, obviously we have to assure the fidelity, trustworthiness, and safety of these weapons another way. And we are busy doing that under the title of "science-based stockpile stewardship," something new. We hope in the next 4 or 5 years we can display to everyone that indeed we can continue to certify

the well-being of this weapons system without underground testing through the use of new devices and new science at the three major nuclear Laboratories, Livermore, Los Alamos, and Sandia.

The committee reduced the Department of Energy's privatization proposal. I have expressed that in my opening remarks. We continue to maintain the ability to manage a technically challenged fixed-priced contract. As a result, the House and Senate committee proposed significant reductions for the \$1 billion requested. That is because there is general concern about whether the Department has the ability to manage the technical part. The Committee on Appropriations recommends \$343 million, to be exact, with reference to this work.

The leadership has expressed its intent that the Senate this week complete consideration of three appropriations bills: defense, which we just completed; energy and water, a small bill compared to the defense bill but a very important one from the standpoint of our defenses; science, and our water resources.

I understand we want to go ahead and do foreign operations also. We would like very much to finish tonight so we can move right along on this schedule.

So, I want to say to everyone, I am very hopeful we can handle this bill in the manner that the chairman and Senator INOUE, the ranking member, handled the previous bill.

My remarks are completed. I understand my good friend, the ranking member from Nevada, wants to make opening remarks, and then we will be ready for any other Senators.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, this bill is the only one of the 13 appropriations bills that every dollar that is in the bill is discretionary funding. It is extremely important, every dollar that we have in this bill, that it go to the right source or sources. As the ranking member of this subcommittee, I have worked very closely with the chairman of the subcommittee. He has been very open, invited me to meetings with Cabinet officers, and this has been a joint venture, this legislation, as well it should be.

I know the chairman of the subcommittee worked very closely for many, many years with the then chairman of the subcommittee, Senator Bennett Johnston, and then when the roles reversed, they also worked very closely together. This is a bill that cries out for bipartisanship. It is a bill that affects very important aspects of this, our Federal Government.

The bill can be supported by the entire Senate because we have approached it on this basis. It has been a difficult bill, but I think what we have arrived at is equitable and good public policy, despite very difficult cir-

cumstances. One of the difficulties the subcommittee faced is one that cannot be solved easily and that is the significance of these water projects around the Nation. The Corps of Engineers programs, both general investigations and construction, received balanced increases over last year's budget while the operation and maintenance aspect of their program was reduced by some \$200 million.

The budget for the Bureau of Reclamation, which for western Senators is extremely important because the Bureau of Reclamation is principally responsible for the arid States of the West, increased by \$2 million over last year despite the budget proposal that would reduce the program account. The Bureau of Reclamation's first project ever in this country was in Nevada. In 1902 that program started, named after a Nevada Congressman named Newlands, who eventually became a Senator. So we are very familiar in Nevada with the good that the Bureau of Reclamation does and the bad they have done in years gone by.

During the process of their developing programs in this country, some of the things they did simply have not worked out very well. But it was not because there was any ulterior motive. It was simply the arid West they were trying to make blossom like a rose. In some places they did, in some places they didn't.

Water projects are often maligned as excessive and unnecessary items in appropriations bills. Being from probably the most arid State in the United States, I disagree. Water projects are extremely important. If it were not for water projects, the city of Las Vegas, the county of Clark, simply would not be the most rapidly growing area in the Union. It is because of water programs sponsored by the Federal Government that that area has been able to grow the way it has, because of the Southern Nevada Water Project, funded by this Congress.

Our country has been described as a fortress nation with two large coasts and waterways throughout the continent playing a role in commerce, recreation and education as well as other functions. Communities around the Nation are directly affected by water projects that do, in fact, have Federal interests. I have given one example. I want this Senate to know that what we have done has taken a great deal of thought, the expertise of our very good staffs, and a lot of time.

Starting with the largest water concern in the Nation, I would like to direct the Members' attention to a section of this bill dealing with the U.S. Army Corps of Engineers program entitled "Flood Control, Mississippi River and Tributaries." This is a so-called earmark. I guess we could call it that. A lot of people deride this earmark. This is for almost \$300 million.

We know the Mississippi River is the most important waterway in this country and has been for more than a cen-

tury. The Mississippi River has the third largest drainage basin in the world, draining over 41 percent of the United States and covering 1,245,000 square miles.

The \$289 million we have appropriated is probably not enough, but it's the best we could do. The Mississippi River has flooded over the years, but due to the flood control levee system as put in place by the Corps of Engineers, over \$8 billion in flood damages were averted in the 1993 flood alone. So, I think, by anyone's estimate, we should receive a passing grade on a cost/benefit scale. This is an earmark, a huge one, that is important.

Let's take a smaller earmark, what some people direct their attention to, the extensive coastline America has and other smaller drainage basins and locations such as Assateague Island in Maryland. We have recognized the importance of Assateague Island in Maryland, and since 1935, when a Federal navigation project was first started and disrupted natural sand distribution, the shoreline has been eroding. There is now a severe threat of unnatural erosion and accelerated shoreline migration. We have appropriated money in this bill to stop this damage from occurring. Because, if the damage occurred without Federal intervention, the bays, commercial routes, the recreational island and the mainland would be irreparably damaged.

This is an earmark. It is important for one of the States of the Nation, and we have stepped forward and the Corps of Engineers has developed a comprehensive water resources investigation in this area, and we will complete the preconstruction engineer design recommendations for this project. This is important.

There are numerous other projects just like this. Let me talk, though, about a number that are important, I think, in this bill. Because water is a precious commodity in the West, as I have already talked about, the use and study of water impacts every community. Water reclamation and desalinization projects, authorized in the last Congress, are of vital importance to lower Colorado River communities, the Columbia-Snake River area and to rural communities.

We know that desalinization is important. Senator Paul Simon, who has recently retired, believed in this significantly. He asked me to make sure that we did not forget about the things that he tried to do in this Congress. I think we have done that in this bill. Desalinization is important. It is more than finding out if we can change the ocean water to fresh water. It is dealing with rivers that have become very polluted and have too much salt in them. So, this is important.

We have done things dealing with desalinization in this bill. Of particular note in this legislation, the importance of funding for the CALFED Bay Delta Ecosystem Restoration Project, another earmark, \$50 million, which is to

assist California to understand the water systems and developing a balance to the uses of the vast California water system.

But the State of California has stepped forward. They have a multiyear funding program that they are going to work on with us. Theirs is almost \$1 billion, the voters of the State of California approved. We have an obligation to come forward, I believe, as does this committee, and help them with this project. So I appreciate the concerns expressed in the report language about the CALFED Project. I think the concerns are fair and constructive, and I hope the Bureau and many proponents recognize the necessity to design this project and activities so we can feel confident in the use of taxpayers' moneys. There is no mistake, this is important to California. I support the committee in their efforts to fund this.

I have mentioned four or five projects in this bill. There are some who come and say, "Why do you earmark these?" We earmark them because that's our obligation. We have three separate but equal branches of Government. I think we would be foolhardy and it would not make our Founding Fathers smile if we just accepted everything that the administration wanted. We have our own voice, our own concerns, and they are expressed in this bill.

I support the subcommittee in the work that has been done dealing with renewable projects. The chairman of the subcommittee has talked about some of them, but I want to repeat, we have an almost \$15 million increase in this bill for solar energy—for solar energy. We have a \$4 million increase for hydrogen energy development. We have almost \$6 million for wind energy development. And we have geothermal energy development at a slight increase. Alternative fuels are the answer to the problem in the world to come in the United States. We have recognized that.

I would have liked to give solar much, much more and hydrogen and wind and geothermal. But we have increased these in spite of a budget that is very spartan in nature.

Before we go to the energy side of the bill, I would like to say, considering the many demands on the Corps and the Bureau, nobody received all the moneys they wanted or requested, but we tried to be evenhanded about the projects, as well as taking into consideration the position of the agencies themselves.

The nondefense programs in the Department of Energy were also stretched due to the outlays and allocations, as well as the demands of the activities.

The work at Yucca Mountain is continuing. I don't like Yucca Mountain. I wish it weren't there. But I felt in fairness and being a constructive member of this committee that we should continue the funding. I think, though, for example, the latest work they did there, building a 4½-mile tunnel

through a mountain which cost \$60,000 a foot, the subcommittee was very responsive in setting the workload that should take place with this facility at Yucca Mountain.

The budget authority and outlays do not provide for the entire privatization effort but does support continued waste management and cleanup at a level that will maintain a scheduled cleanup of sites that have served the Nation in the past and now should be taken care of.

The atomic energy defense activities of this bill is, I feel, a grave and momentous responsibility, and the chairman of the subcommittee and I have recognized that. We may talk of these amounts as dollars, but we recognize that literally the work we do here is the difference between having a safe and reliable nuclear arsenal and one that is more prone to accidental problems. We understand how important this is.

So, Mr. President, this appropriations bill is important, because it provides a transition between a world in which we tested nuclear devices—we tested almost 1,000 nuclear devices at the Nevada test site. That program is over with, we hope. We hope that nothing occurs that the President will have to exercise his emergency powers to again start nuclear testing at the test site. What this bill has done is take into consideration that for 50 years of brinkmanship, we can now look at a world that is relatively safe. With these tens of thousands of nuclear warheads, we have to make sure that they are, I repeat, safe and reliable, and we have taken that into consideration with this legislation that is now before the Senate.

The world still provides no safe haven from international conflict, and some of our potential enemies remain armed with the most destructive weapons in mankind's history. So we must remain ready and capable of responding to many threats from those or other weapons of mass destruction, not because we want or should wage war with these demonic weapons, but because we want to wage peace by deterring their use by any government forever.

If we could put the nuclear genie back in the bottle, we would do it. But I am sure of one thing, and that is the nuclear threat still exists and will continue for an indefinite period. Experience has shown the best response to this threat is to remain so capable that no government will ever perceive any advantage from a nuclear attack. So we must retain indefinitely a safe and reliable nuclear stockpile.

Although we must remain ready, we want to reduce the incentive for other countries to increase their arsenals. We want to stop the unending spiral of development of increasingly dangerous weapons by those nations that already have nuclear arsenals. I think this legislation does that.

This country has advocated, through the President, a Comprehensive Test

Ban Treaty to stop that developmental spiral and remove that incentive.

So now, for the foreseeable future, our country must maintain its nuclear deterrent in a completely different way compared to past practice and experience. No longer can we test new designs for their safety and reliability. No longer can we test new designs of weapons, we can only test weapons for safety and reliability. That is important.

No longer can we assure stockpile safety and reliability by replacing old designs and weapons with new ones. We must get along with what we have, and we have to make sure they are safe and reliable. We must rely on present designs and weapons in the stockpile, so we have to develop the understanding of how age will affect their safety and reliability, and we must acquire this knowledge while testing the weapons and designs.

The Department of Energy, in consultation with its National Weapons Laboratories and with the Department of Defense, has concluded that the only assured way of certifying an aging stockpile without testing in the traditional fashion is to understand the science of weapons materials, components and systems, and, with that understanding, to use computer-based simulator performance to evaluate safety and reliability, and that is what this legislation which is now before the Senate does.

This so-called Science Based Stockpile Stewardship Program has been reviewed completely by experts from inside and outside the program and experts both inside and outside the Government. These experts have conditionally agreed the science-based program can succeed. It can succeed provided appropriate investments are made in scientific research, in experimental facilities and in advance computational capabilities. These conditions are faithfully reflected by the atomic defense activities budget and in the energy and water development appropriations bill.

When this program was originally conceived, its budget dimensions were estimated under a variety of assumptions, some of which have not been realized. For example, it was assumed that START II ratification by Russia would have been achieved. It hasn't. Failure to ratify START II has required greater investments in weapons surveillance and maintenance, causing unexpected costs for both the national laboratories and the plants.

In addition, more weapons in the stockpile has accelerated the required schedule for tritium production which is one of the elements in a weapon that lasts a little over 10 years and must thereafter be replaced. So we must periodically look at this product in our active stockpile.

Guaranteeing tritium production capability on this new schedule has required simultaneous exploration of two research options, neither of which is

cheap. Furthermore, the greater maintenance load on our plants has delayed our planned progress toward downsizing and has required investments in plant infrastructure that we did not anticipate.

Finally, reductions in administration costs by the Department of Energy has not been realized as quickly as expected.

The future will be defined by progress toward ratification and implementation of the Comprehensive Test Ban Treaty, and it depends critically on our confidence and reliability and safety of our enduring strategic nuclear stockpile.

A principal discussion that has taken place is the role of the stockpile stewardship and the science activities that need to occur to maintain a certified state of readiness. Because we studied these defense issues closely, this subcommittee has provided sufficient funding for the national ignition facility as a cornerstone of the science-based stewardship, and we integrated the Nevada test site and national laboratories in the defense program to assure a certifiable stockpile.

Mr. President, I wish it were possible for every Member of the U.S. Senate to take a tour through our national laboratories to find out how essential they are to the literal safety of this world. They do tremendous work with little fanfare. I have become a real fan of our national laboratories.

This bill is fair and reasonable. I support the efforts of this bill to seek more efficiency within the Department of Energy.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are in the process of clearing a number of amendments. I, once again, ask Senators who have any amendments that they are certain have to be offered if they would get down here as soon as possible. If they are the only two amendments, it would seem to me it would be reasonable for us to be telling the Senators and our leadership that we could finish tonight, provided we don't have to just wait here with nothing to do. I understand the schedules and other subcommittee hearings and the like. But I, once again, urge either of the two Senators who have an amendment that we understand might be offered that they get down here as soon as possible.

Mr. President, I say to fellow Senators, I thought I would discuss a little bit about this bill I think is interesting and might make it easier for those who are wondering, as you look at the Department of Energy's role—and it has a lot of roles, a lot of missions, it might be a little easier to identify what we are doing as a Nation in various areas.

So what we have done is we have kind of reorganized the way the bill shows the functions at the Department of Energy. I call to anyone's attention

who is interested the report accompanying this bill at page 88, title III, the Department of Energy, because we have broken it down into the energy research, we have broken it down into what we call science.

I would just like to talk about science for a minute, because across this country—incidentally, the science portion of this bill costs \$2.2 billion. We hear, and I am sure the occupant in the Chair in his capacity from his State with INL there and a lot of science going on, our academic and business leaders say, if you are going to reduce spending, don't reduce what we are spending on basic science. We are all hearing that. We funded the President's request in basic science. If you look in this reorganization effort, science is made up of high-energy physics, nuclear physics, biological and environmental research, basic energy sciences, and other energy research.

It is very, very important that everybody understand that this is not just a Department of Energy bill that has to do with petroleum and natural gas. It has to do with subjects I spoke about, some of the most profound and deep science that America is doing anywhere with reference to physics, with reference to biological and environmental research.

For instance, this Department has one-third of the budget, Mr. President, of the human genome research project. The human genome research project is about 7 years old, maybe 8, and two-thirds of it is run by the National Institutes of Health and one-third by the Department of Energy. Many scientists have said it is mankind's most serious and potentially effective research project for wellness. For what we have been doing with the genome project is to map all of the chromosomes of the human body and to discern from within those chromosomes where the dread diseases are located. It doesn't mean we know how to cure them because we know how to locate them, but for most of our adult life, we heard every 3 or 4 or 5 years a group of great scientists would announce they had located the genes for multiple sclerosis. They were in an effort that might have taken 20 years to locate that, because they had to do it without regard to the relevancy of doing all of the chromosomes of the human body.

Because of computers and other things, we are well on the way to handing to the scientists of the future the chromosome locations inside us for all of the dread diseases, and then it will be up to pharmaceutical researchers and basic researchers to find if there is some way that we can effect cures. That is why it is seen as the biggest wellness effort, and one-third of that lies within the Department of Energy. It is interesting, it is there for a number of reasons. I won't talk about the parochial interests which I had something to do with. But essentially, this Department was doing a great deal of genetic work, as the occupant of the

Chair knows. Because of Hiroshima, Nagasaki, some of the most in-depth preservation of radioactive impacts on the human genetic system and research on that, instruments to do the research were within this Department. So when Senators wonder what the Department of Energy does, that is one. That is \$1.2 billion.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. I will be pleased to yield.

Mr. REID. While we are waiting for amendments to come, I will also ask the Senator, I was struck after having become the ranking member of the committee going to one of the national laboratories not in your State—I want to make sure everybody understands the national laboratories are important. They are important because they are in New Mexico, California and other places. Let's talk about the one in California.

Much of the research we hear so much about dealing with genomes, trying to determine what our bodies are made of started in national laboratories.

Mr. DOMENICI. That is correct.

Mr. REID. The work we are doing in Lawrence Livermore in California is mind-boggling work done there.

I ask the Senator, what would the state of scientific research be in our country today if it were not for the national laboratories?

Mr. DOMENICI. I say to the Senator, you know, everybody around would say you asked the right person, because I am absolutely convinced that the national laboratories—and there are more than the big three we have just alluded to that are part of this, the Department of Energy—while they may not have been created in their inception to do the kind of research they are doing today, or the three we speak to, they were created and started up because of atomic bombs and hydrogen bombs and nuclear energy. And everybody related to that, the design, the making, the disarming, huge assemblages of the greatest physicists and scientists that America has ever brought up, ended up in these laboratories doing this kind of work.

The result of that is they are doing all kinds of basic research because they are there and they have big equipment to do their jobs. I would surmise that as many breakthroughs in science have come about because of the national laboratory system as any other single institution or entity in America's modern history.

Mr. REID. If the Senator would yield, maybe even in the history of the world.

Mr. DOMENICI. Could be.

Mr. REID. For example, at Lawrence Livermore, I spent some time with a Dr. Campbell, who is one of the leading experts in the world on lasers. Lasers were invented in 1917 by Albert Einstein. It took scientists 43 years, and it was finally proven at Lawrence Livermore that he was right, that the formula he came up with in 1917 dealing

with laser technology, that he really knew what he was talking about.

But for the work done in our laboratories, things like this, they may have come to be, but it would have been years in the future. If you talk about great scientific minds in the last 50 years, they have all worked in these laboratories.

Mr. DOMENICI. That is right.

I want to, again, if there is a little bit of time, to remind fellow Senators of another thing.

You know, a very large group of Senators, just speaking of our body, our Senate, are always very concerned about the adequacy of defense spending. And I think we see that in the bill that just passed with very large support. We see it in the willingness of the U.S. Senate to set up a wall and say the appropriations for defense are separate from the domestic appropriations, and you cannot take from defense to spend in domestic. You need a supermajority to do that because we think it is so important that we do right by defense.

But I think what happens is that sometimes many of the Senators do not realize, and maybe it is because we have not done a very good job of telling them, that a portion of the defense of our Nation is done not in the defense budget but in this budget, by the Department of Energy in its nuclear weapons work. All of the money for that comes out of this defense pot of money that I just talked about, with a wall saying this money cannot be used for anything else; it is transferred for that part of Government to this subcommittee and to the Department of Energy to do the nuclear deterrent work in the broadest sense of the word.

Now we have decided to engage in a big, vast experiment regarding the preservation of these nuclear weapons in terms of their safety, reliability, and trustworthiness. We have said no more underground testing, which my friend from Nevada had a very major parochial interest in and which went on in his State for many, many decades, that offered direct objective proof of the reliability and the qualitative capability and quantitative capability of the weapons. We decided as a Congress, and the President agreed, that we would not do that anymore.

Now, it is obvious that we have not gotten rid of our nuclear weapons, and we will not for a long time, even though we are hopeful that with the various treaties we will get this number down, and hopefully there may be even a giant effort to get it down even more. But in the meantime, what nobody seems to understand—or, I should say, few understand—is that we have to spend money on some new techniques to make sure the weaponry is safe and trustworthy and that it will be faithful to its mission because we cannot test it anymore.

So we are engaged in a major transition. I have alluded to it, my ranking member has. It is called science-based

stockpile stewardship. The greatest scientists and physicists and others have joined together with the Department of Energy saying, "Since we can't test, we have got to find some other ways based on science." And, Mr. President, we are engaged in very large computer experiments. In fact, we are pushing the threshold of computer capability more by this requirement than any other requirement in America. The push for bigger and faster computers is being done by our response to the science-based stockpile stewardship.

In addition, each of the major laboratories, since we will no longer make new bombs, no longer design new bombs, are engaged in their part of trying to make sure that the weapons are reliable. If, indeed, there is a dispute today on the floor on whether we are spending too much for this, I am prepared to go into a lot of detail, none of which is secret, about the certification process as to the well-being of the weapons.

These three laboratories, headed by civilians, have essentially maintained our nuclear deterrent position for all these decades because they surround themselves with the best; we fund the best equipment, and they have always kept us highly, highly competitive so that nobody, including the Soviet Union, dared venture anything in the field of nuclear weapons.

These same laboratories must continue to certify the reliability of these weapons. It is not just some figment of someone's imagination that they are important. The truth of the matter is, the Joint Chiefs of Staff, in agreeing to no more underground testing, studied it and worked with the best scientists around and concluded that they would go along if, in fact, the national laboratories were given sufficient resources and the lab directors could certify to them and the President regularly that we were able to verify the effectiveness, the safety of these weapons systems in ways that did not need underground testing as a quantifier or objective determinator.

That makes the work of this Department in this regard as important, in my opinion, as anything within the defense budget of the United States. I do not believe, properly presented to any legislator and any policymaker, they could disagree.

In this bill, there is about \$4.3 billion—and remember, we just passed a defense budget an hour ago, about \$250 billion. So let us put it in perspective. The science-based stockpile stewardship, the maintenance of and attesting to the reliability of the nuclear weapons, is being done for about \$4.3 billion by essentially three national laboratories who work for us.

It seems to me that when it comes to these budgets, we ought to not fail to understand that it is part of the defense of our Nation. When it comes to maintaining these science-based efforts, some of them are new and very

major. A whole new device and system will be established at Lawrence Livermore. A lesser facility is almost completed to do an x-ray type activity at Los Alamos. And all three laboratories are beginning to do, with early completion dates, major, major computer programs so that many of the tests can be done by simulation that were done before by actual tests.

So I hope, when it comes to where does the money go from the Defense Department, that everyone will understand it is very, very important that we adequately fund defense, but it is probably even more important that we properly allocate money to the laboratories of this Nation which are doing the deterrent work with reference to our nuclear arsenal.

Now, there are many other great laboratories—one is in the State of the occupant of the chair—that do great science work for the Department of Energy. One could stand here and go through each one and say how important it is, and much of it is not discernible easily as being directly related to energy because it is science of some very special quality that can be done by the people and the other things that are present in these various facilities.

So the Comprehensive Test Ban Treaty, which I have not yet mentioned, is the natural next episode that follows on the American Government's agreement not to do any more nuclear underground testing. And the next thing will be, can the world agree to it? That treaty is going to be called the Comprehensive Test Ban Treaty. Obviously, it is ready. It is in the possession of the executive branch. And soon—I do not know when, but it cannot be a long way off—it will be submitted to the Senate for its approval and ratification and/or amendment, I assume.

I think it is important that everyone know that the questions that are going to be asked have to do with this appropriations bill, questions like, are we adequately funding what is required by the laboratory directors of the laboratories that are nuclear weapons laboratories? Are we funding the program properly for the next 5-year interval so that we can say with confidence that the international test ban treaty can be entered into?

Obviously, I am putting the Senate on notice, in a way, that some work has to be done clearly to make sure that the Joint Chiefs and the lab directors, the three laboratory directors, can be assured there will be adequate funding. We are working on that now with the administration and the Departments of Defense and Energy so we are able to come to the floor and say with as much certainty as we can, considering our democratic processes, that we are funding the basic institutional thrusts required to make an international treaty a valid and good thing for America set up alongside of the test ban that we have passed.

There will be many other ramifications to that test ban treaty, and I

think one is obvious. If we find out that we absolutely cannot get along without it, what happens? I think that will be addressed, too. These scientists will tell us whether this science-based stewardship is working or not. And if they end up saying it cannot work, it cannot do the job, then what happens if we are bound in a treaty? And I think that will be addressed in due course.

I still do not see any Senators present who want to offer amendments, so I yield the floor.

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

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

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Dr. Robert M. Simon, on detail from the Department of Energy on the staff of Senator JEFF BINGAMAN, during the pendency of S. 1104 and any votes occurring thereon.

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

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

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

#### AMENDMENTS NOS. 859 THROUGH 866, EN BLOC

Mr. DOMENICI. Mr. President, while no amendments have been offered, we have been doing our very best to work with any amendments that we are aware of, and starting late yesterday and today we have had some amendments that we have cleared on both sides. There are eight in number. I am going to send these eight amendments to the desk shortly. They are an amendment on behalf of Senator BYRD regarding Stonewall Jackson Lake, an amendment on behalf of Senator DASCHLE regarding the Cheyenne River Sioux Reservation, Senator KEMPTHORNE regarding a McCall area waste water reclamation and reuse, an amendment on behalf of Senators BINGAMAN and DOMENICI regarding the Butte Reservoir pipeline, an amendment on behalf of Senator WYDEN regarding watershed agreements, Senator BIDEN and Senator ROTH regarding the Delaware coast, an amendment on behalf of Senator BUMPERS regarding the Southwest experimental fast oxide reactor, and an amendment on behalf of Senator BOXER regarding Greenville Road.

I send the amendments to the desk and ask that they be considered en bloc, Mr. President.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 859 through 866, en bloc.

Mr. DOMENICI. I ask that further reading of the amendments be dispensed with.

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

The amendments are as follows:

#### AMENDMENT NO. 859

Following Section 503, insert the following new section:

SEC. 504. (a) The State of West Virginia shall receive credit towards its required contribution under Contract No. DACW59-C-0071 for the cost of recreational facilities to be constructed by a joint venture of the State in cooperation with private interests for recreation development at Stonewall Jackson Lake, West Virginia, except that the State shall receive no credit for costs associated with golf course development and the amount of the credit may not exceed the amount owed by the State under the Contract.

(b) The Corps of Engineers shall revise both the 1977 recreation cost-sharing agreement and the Park and Recreation Lease dated October 2, 1995 to remove the requirement that such recreation facilities are to be owned by the Government at the time of their completion as contained in Article 2-06 of the cost-sharing agreement and Article 36 of the lease.

(c) Nothing in this section shall reduce the amount of funds owed the United States Government pursuant to the 1977 recreation cost-sharing agreement.

#### AMENDMENT NO. 860

On page 15, line 10, insert the following before the period: "Provided further, That the Secretary of the Interior may use \$80,000 of funding appropriated herein to complete the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities in South Dakota".

#### AMENDMENT NO. 861

On page 15, line 10, insert the following before the period: "Provided further, That the Secretary of the Interior may use \$2,500,000 of funds appropriated herein to initiate construction of the McCall Area Wastewater Reclamation and Reuse, Idaho project".

#### AMENDMENT NO. 862

On page 15, line 10, insert the following before the period: "Provided further, That the Secretary of the Interior may use \$300,000 of funding appropriated herein to undertake feasibility planning studies and other activities for the Ute Reservoir Pipeline (Quay County portion), New Mexico project".

#### AMENDMENT NO. 863

At the appropriate place, insert the following new general provision:

SEC. . (a) IN GENERAL.—For fiscal year 1998 and each fiscal year thereafter, appropriations made for the Bureau of Reclamation may be used by the Secretaries of Interior for the purpose of entering into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other resources on public or private land or both that benefit the water and lands within a watershed that contains a Bureau of Reclamation project.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of Interior may enter into a watershed restoration and enhancement agreement.—

(1) directly with a willing private landowner, or

(2) indirectly through an agreement with a state, local, or tribal government or other public entity, educational institution, or private non-profit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowners;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources in the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal government, the landowners, and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditures by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest, and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Secretary and the landowner.

#### AMENDMENT NO. 864

On page 2, line 26, insert the following before the period: "Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use \$200,000 of funding appropriated herein to initiate preconstruction engineering and design for the Delaware Coast from Cape Henlopen to Fenwick Island, Delaware project".

#### AMENDMENT NO. 865

On page 19, line 7, insert before the period the following: "Provided, That from funds available herein, the Department of Energy will assess the cost of decommissioning the Southwest Experimental Fast Oxide Reactor site".

#### AMENDMENT NO. 866

On page 23 of the bill, line 5, insert the following before the colon: "of which \$2,000,000 is provided for improvements to Greenville Road in Livermore, California".

Mr. DOMENICI. I understand these amendments have been cleared by Senator REID on behalf of the Democratic Members.

Mr. REID. They have been.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 859 through 866) were agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, once again I would like to repeat and urge that our fellow Senators come down here if they have amendments. I know we have to protect Senators and we



have rules, but it would not be too far-fetched for third reading to occur here any time if no amendments are in order. And I do not want to pursue that very vigorously even under regular order or the rules, but I do think there are a number of Senators and a lot of people waiting on the floor for what may be one or two amendments.

I certainly once again urge and beg my fellow Senators to get them down here so we can finish this work. All of us have many things to do, and we are very cognizant of your responsibilities, I say that to those Senators who have amendments, but we ought to try to keep the Senate busy when we are open and this would help us very much.

I yield the floor.

Mr. REID. Mr. President, I have told the Democratic Senators who have indicated they may offer amendments that we are going to go to third reading in the near future, and I do not know when that will be, but I told them it would be relatively soon. I do not have nearly the experience that the chairman of the full committee has, the manager of the bill, but I have been here going on 15 years, and that is one of the things that is really concerning to me, that is, how long we wait until we wrap these things up. I know the Senator would use good judgment in that regard, but I think all good things must come to an end, and I think in a reasonable period of time we should go to third reading.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. 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. BUMPERS. Mr. President, is there anything pending? What is the parliamentary situation?

The PRESIDING OFFICER. There are no amendments pending.

#### AMENDMENT NO. 867

(Purpose: To fund the Department of Energy's Weapons Activities Account at the level requested by the Administration)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 867.

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

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

The amendment is as follows:

Reduce the amount on line 4 of page 23 by \$258,000,000.

Mr. BUMPERS. Mr. President, we discussed this for just a moment the other day in the full Appropriations Committee, but here is my concern. I

want to voice those concerns both for the RECORD and for a response by the chairman of the subcommittee dealing with weapons activities.

Now, for the RECORD and people who read it and may not know, the Energy Department not only tries to develop solar energy and better ways to explore for oil and gas and that sort of thing, the Energy Department is also charged with the responsibility of developing and maintaining our nuclear weapons. They build them, they stockpile them, they guarantee to the people of this country their safety and reliability. They guarantee the safety of them for our benefit; they guarantee the reliability of them for the benefit of the Defense Department which is going to put these nuclear weapons on submarines, missiles, and so on.

But I have been concerned about the amount of money we are spending on that. What I wanted to do was to engage the chairman in a discussion of why we are spending the kind of money we are on this project.

For example, this year, 1997, the year we are in right now, we are spending somewhere around \$120 million to \$200 million more on the so-called DOE weapons activities account than we did in 1996. Senator HARKIN and I offered an amendment last year to strike that or to lower it. I forget exactly how the amendment read, but we tried to cut this last year, as the chairman will recall. We got 37 votes.

You know, I am tired of jousting with windmills around here. I have enough sense to know when you are going to prevail, when you have a fighting chance and when you do not.

But in any event, this year the President requested—these figures blow your mind—the President requested \$4.044 billion for this so-called DOE weapons activities account—\$4.044 billion. And this bill contains \$258 million more than the President requested.

This is a very arcane account, very difficult for laymen to understand. I must say, I am a layman from the standpoint of the complexities of testing or trying to make sure that our weapons stockpile is safe and reliable. I am a layman in that regard. I am not a layman in regard to money. I understand that \$258 million is a lot of money. When we appropriate \$258 million more than the President requested—and the President asked for a fairly substantial increase—when we go above that by \$258 million, then I think I am within my right and, as a matter of fact, my duty to raise the question of why we are spending this much money when you consider the fact that there is no Soviet Union. They do not exist anymore, and so far as I know, they do not represent a nuclear threat to this country at this point and, hopefully, never will again. By the same token, Mr. President, we do not represent a nuclear threat to the people of Russia today.

If I had asked this question—I do not want to go too far afield from the spe-

cifics of what I want the chairman to address, but I daresay, in 1987, for example—the Soviet Union essentially folded in 1990, 1991; and for all the years after World War II until that point, the defense budget was driven, driven almost exclusively, by the threat of the Soviet Union. I daresay, if I had asked any Chairman of the Joint Chiefs during that period, from 1947 to 1948 until 1990, how much could we cut the defense budget if the Soviet Union suddenly went away, I would guess that the smallest number I would have gotten would have been \$50 billion and the maximum number at least \$100 billion. I am talking about from generals and admirals.

So, all of a sudden, here we are 7 years after the demise of the Soviet Union, and the defense budget we approved in the authorization bill that we just passed yesterday is \$268 billion. Now, I voted for it—but I felt it was way too much money—because there were some things in it that I thought were fairly important, and we are always trying to balance things. Anybody can pick one thing out of a bill they do not like and vote no. I dislike this so much I am tempted to vote against energy and water, but I am not going to vote against the bill because there are a lot of good things in it.

I am not going to accord, indulge, myself the luxury of saying, simply because there are half a dozen things in there I object to I am not going to vote for it. There are all sorts of water projects and energy things that are very important to me. This is about a \$21 billion bill. I am not objecting to the \$4 billion in weapons development. I am only objecting to what I consider excessive increases.

Now, having said all of that to the Senate, I am a strong believer in the test ban treaty. The Senator from Nevada may correct me on this, but I believe 1993 was the last year we had underground tests of nuclear weapons in Nevada. When we quit testing in Nevada, I considered that a hallelujah day in this country. I had been fighting for a long time, even before the Soviet Union disappeared, to stop nuclear testing, underground testing, in Nevada. I thought it was senseless. I thought there must be other ways that we could test and determine the reliability of weapons without actually setting off those explosions.

Mr. President, here we are now. We are still talking about a comprehensive test ban treaty, which I strongly favor. We do not have it. There are a lot of people in this body who would not vote for it if the Russians unilaterally disarmed tomorrow. But I happen to think it would take us a long way further than we are right now down the path toward the kinds of, what shall I say, comfort and good feeling we have about the future of nuclear weapons.

So, Mr. President, when I look at these figures, this \$4.302 billion account, which is \$258 million more than the President requested, considerably



more, over \$300 million more than the House bill provides—let me repeat that. While we are at \$4.302 billion, the House is at \$3.943 billion, or \$350-plus million less than the Senate; and both the House and Senate authorizing bills are less—are less—than the Senate appropriations bill which we are considering on the floor at this moment.

So, Mr. President, I intended to offer this amendment as much as for any other reason to engage the distinguished Senator from New Mexico in a colloquy and let him explain. I know he has an explanation. He is very knowledgeable on these things. Let him explain to the Senate why these rather unusual increases, when everybody else is taking a hit—there are a lot of water projects in this bill that he could not fund because they do not have the money to do it. Of course you couldn't.

Before I finish, I ask the Senator from New Mexico, do the firewalls that we have in place apply to the Department of Energy's defense activities?

Mr. DOMENICI. I say to the Senator, only in this respect. The money for the DOE defense work comes out of the total amount available for defense under the budget, and that total amount is subject to a firewall. Whatever you take out of it, like the money you are describing, the firewall carries with it, so that in this bill you could not move defense money to water projects because there is a firewall around the subdefense money, which is exactly the same as the big defense 050 function called defense.

Mr. BUMPERS. Let me say, the \$268 billion defense authorization bill we passed last evening, does that include the roughly \$17 billion in this bill for nuclear weapons?

Mr. DOMENICI. There is not \$17 billion in here.

Mr. BUMPERS. I think \$17 billion is the right figure, roughly \$17 billion in nuclear, is there not, in the bill?

Mr. DOMENICI. There is \$11.8 billion in total defense money in this bill.

Mr. BUMPERS. OK.

Mr. DOMENICI. And \$4.3 billion is weapons.

Mr. BUMPERS. So \$11.8 billion. Is that all in the \$268 billion authorization bill?

Mr. DOMENICI. It is. There will not be more money spent. There will not be any accumulation. The total amount we put in the budget will include the bill Senator STEVENS passed and this money. It will equal the total amount of defense money. There is no add-on for this.

Mr. BUMPERS. Let me close with one observation, because I did not have the correct figure a while ago.

Last year's bill, last year's Senate energy and water bill, the same bill we have on the floor right now, provided \$270 million more than the President asked for and \$300 million more than the House provided. So we had \$270 million more last year than the President requested and \$258 million more this year than the President requested.

That is well over half a billion dollars in 2 years, as I say, when everybody else has suffered.

So I ask the Senator from New Mexico if he would care to respond to my complaints about what I consider excessive increases in the DOE weapons development activities.

Mr. DOMENICI. Let me first say to you, I believe that this discussion and what you have done in the past in an effort to make sure that we can answer and respond to inquiries about the sufficiency or whether we appropriated too much are good for the Senate and good for the American people. So from my standpoint, I am glad you are here on the floor. And I am glad you in the past have challenged us.

I have tried very hard to answer up to a responsibility that almost no one understands, and that is that the entire safety of the nuclear arsenal is funded in this bill. Most people think it is in that big defense bill. It is in this bill.

Let me move on to a couple of other things. The overall expenditures in this bill, compared to the present, the overall amount in budget authority is \$1.9 billion less between defense, non-defense, water and everything else. But we had increased water projects, which you alluded to, on their own by \$229 million. You have been an advocate, and we worked with you, on many of those. They are tough to fund. But they did not come out of the defense money anyway. You quite appropriately asked, are they walled off? They are. That is a big part of this bill, and growing in difficulty.

If you would have come down and said, "I would like to engage you, Senator, in about an hour discussion on whether we're going to be able to pay for water projects," I would be a little more concerned, because I am not sure we can, because we are not putting any more money in this domestic part of this bill, and we are asking for more and more water projects.

One part of our Government says, we do not want to do any more, we want to increase the ratio of support locally. And we keep saying we have to keep doing them because they are needed.

So I want to establish those fundamental issues.

Now, let me move on. If I were the only one, singularly, who thought we had to have an increase of about \$300 million in the defense part of this bill for nuclear weapons safety, I would probably be a little frightened here on the floor because you are very persuasive. But I worked with the ranking member, who is a diligent Senator. He started saying, "I want to learn everything I can. I want to meet with everybody you meet with. When you bring the Secretary of Defense in, I want to be there. When you bring in the DOE, I want to be there. When you bring in the security people out at Berger's office, I want to be there."

We have both concluded that there have been some things that have occurred since the President submitted

his idea of about \$4 billion a year for the safety, well-being, and fidelity of the nuclear arsenal. We are going to discuss those with you here in a minute.

But let me first say, that \$4.3 billion is not to manufacture a single new weapon. I think everybody should know that. People keep saying we are making nuclear weapons. You know we are not—no nuclear weapons and no nuclear weapons designs. But what we have, Senator—and this is not a secret number, and it is not subject to my call—is we have a minimum of 6,500 nuclear weapons. That is the allowable under START II.

Now, I am not, in this bill, permitted to challenge whether we need them or not. I am only permitted to respond to lab directors and the national security advisers on how much do we need to make sure they are safe, and some of them are running out of their durability. A number of them will be old in 5 years, sufficient for us to wonder what we should do with them.

Now, what we used to do, Senator, is perform some rather objective tests in Nevada. On this floor, the three of us probably have discussed that as much as anyone else, and the Senator from Nevada knows about all that testing. That used to be an objective way of measuring certain things. Now, before we entered into that agreement, before the President said let's cut off underground testing and sent up his proposal and started lobbying for it, and before Congress would approve it, the Joint Chiefs of Staff had a lot of questions. Essentially, believe it or not, they literally had to do with, how do we maintain the arsenal without the tests?

Frankly, Senator, I didn't make that deal either, although I am glad to live with it. I will say what you have said. I hope the whole world joins us now. In fact, I am leaning strongly in support of the international treaty banning it. But I guarantee you that it has no chance of passing, if Senators can come to the floor and have credible information that those who are in charge of making sure those weapons are safe, the parts are replaceable, if they are broken down. If anybody in the security department of our country can say we don't have enough money in there to do that, that treaty will go down in flames. And I can tell you there will be Senators who are going to say that, regardless of what we put in this bill.

But I am not convinced that \$4 billion, which was in the President's budget, and \$4 billion for the next 5 years, will do that. Now, it seems simple, Mr. President, that we ought to just go from underground testing, get a few scientists and a few machines ordered, and we ought to test these weapons. But I tell you, if you want me to, I will read you the definition of safety that has been in existence regarding nuclear weapons since 1968.

Mr. BUMPERS. I wish you would do that.

(Mr. GREGG assumed the chair.)

Mr. DOMENICI. They are incredible. America wants them safe. In 1968, the then President of the United States entered into the following understanding, and the criteria are summarized as follows:

One, in the event of a detonation, initiated at any one point in the high-explosive system—

That is not the bomb—

the probability of achieving nuclear yield of greater than 4 pounds of TNT shall not exceed 1 in a million.

Not that it will cause a bomb. Just 4 pounds of TNT, a chance of 1 in a million.

The probability of premature nuclear detonation of a bomb due to bomb component malfunction shall not exceed one in a billion in any environment the bomb is designed to experience, or one in a million for accident when the weapon is exposed to an environment outside its designed parameters. Quantitative criteria are also used to certify weapon reliability.

Now, Senator BUMPERS, the answer to your question is that the scientists who developed them, the scientists who designed them, the scientists who supervised their building and their destruction are now asked to try a whole new approach and come up with a science-based stockpile stewardship initiative. And they are not going to be absolutely certain that it is going to work. But we have to give them what is necessary for them to say we are moving toward making sure that it will work.

Now, I am not going to go into any more detail about the Nevada Test Site or anything else. I am merely going to say that we have concluded that a number of things must be done in order to achieve this stockpile stewardship relationship. One—and you will understand this in a minute—massive new supercomputer capability to model, in three dimensions, the workings of the nuclear weapon is required in these laboratories. Massive. In fact, it will be the driving force for supercomputing in the future, because you need so much computer capability. Facilities that improve our understanding of how material behaves at very high temperatures and pressures found within nuclear weapons, and the enhanced diagnostic capability.

See, now we have to have some diagnostic capability to look into the bombs and into the explosives and see how things are working. We didn't have those like we now are going to have in the next 5-year program.

And then I add, Senator, five things that have happened since the President and many of us—in fact, I will confess to you that I worked with the administration on this \$4 billion idea, which was \$4 billion a year. Let's see if it will make that stockpile stewardship solid. But there are five things that haven't come to fruition that cost more money.

One—and you know this—START II has not been ratified. So the laboratories are having to maintain a larger number of weapons of more designs than they anticipated.

Second, the plants that we have to produce more spare parts and replacements are not being built down because we haven't built down the stockpile. And the delay in reducing the stockpile has increased the need and the schedule for tritium production. All of these were discussed, incidentally, in your absence, not only by me, but by Senator REID when we explained what was in our bill during the introduction of it today.

And then there have been some very expensive, unexpected maintenance costs. I trust we will leave it at that. DOE's administrative costs have not declined as were envisioned in 1992.

I would like, if the Senator would agree, to let Senator REID take a few moments to also address your inquiry. Before I do that, I wonder, on the Democrat side, if the Senator knows of any additional amendments besides the amendment that is expected to be voted on. We are not ready yet. We would like to make a list so we know there are no further amendments.

I yield the floor.

Mr. REID. Mr. President, I say to my friend from Arkansas that I think he has rendered service to the Senate and this country by coming here today and allowing us to speak about something that the manager of the bill and I feel is the most important obligation we have, and that is to make sure that our nuclear deterrent is safe and reliable. There is no better spokesperson for that than the senior Senator from Arkansas, who not only has, over his many years in the Senate, been concerned about the weapons system of this country, but also, I say, with the greatest respect, his wife Betty Bumpers has worldwide fame as a result of the organization she formed called Peace Links and has been involved for many, many years in making our world a more peaceful place. So I think it is very appropriate that the Senator would come and talk about this issue today.

I say to my friend from Arkansas that the appropriations for atomic energy defense activities aren't driven by any parochial interests or State interests. These appropriations are driven by the program requirements to provide for the national and strategic security of our country.

Mr. President, we have the stockpile. We are going to have it for the foreseeable future. We must continually study it and assess it for safety and reliability. The Senator from Arkansas said in his statement that when the moratorium came on underground nuclear testing, as we have known in the past, that he anticipated there would be other ways of testing. That is absolutely right. The scientists have come up with other ways than the underground testing that we had for so many years.

The first such test was conducted in Nevada just a few weeks ago. It was called a sub-critical test. It is just as stated. They start conducting an exper-

iment using nuclear materials, but the experiment is controlled so that a critical mass is never achieved. That means that no significant nuclear reaction, no nuclear chain reaction can occur.

That is what Senator DOMENICI was talking about. The computers take over. There is no explosion, but they are able to determine, through the computers, what would have happened had the test gone critical. And the first test was extremely successful. They had 140 optical channels to acquire data from the experiment, and they were able to get information from 139 of those.

The reason those tests are important, I say to my friend from Arkansas, is we have to manage the stockpile because it is continually changing as it gets older. We have to look at some of the nuclear materials that decay with time and need periodic replacement. Some of the bonding materials that hold the components together, or in place, change chemically over time and become less effective as bonding agents. Some of the products of chemical change inside the weapon are caustic and attack or corrode other materials and components. It's like when you go to a drugstore and you go to the pharmacist and you order a medication. Right now, many of the big drugstore chains are able to determine if you are taking other medication that might interact with the stuff that you are getting from the drugstore. Well, the same basic function is performed here. We need to know what happens when these chemicals react because this is one of the main aging effects that might make the weapon unsafe or unreliable.

Some materials corrode from other effects, including exposure to the atmosphere and to radioactivity that is unavoidable in these kinds of terrible weapons of destruction.

So the safety and reliability of the stockpile will change with time. Deterrence requires that we understand these processes and their consequences far better now because the stockpile will never again be tested under the new international agreements we have sponsored.

When I first came to the House of Representatives, one of the first votes I cast was a very controversial vote for the Congressman from the State of Nevada, and that was regarding the nuclear freeze. I voted for that nuclear freeze when I was in the House of Representatives because I believe the problem in the world today is not nuclear testing, it's nuclear weapons; we have too many of them. The manager and I have worked on a way of reasonably testing these weapons. I refer the Senator from Arkansas, and everybody within the sound of my voice, to the report filed with this bill. I am not going to read all of the language in the report, but I am going to read a few things because I think it answers many of the questions that the Senator propounded.

The second paragraph:

The mission of defense programs is to maintain the safety, security, and reliability of the Nation's enduring nuclear weapons stockpile within the constraints of a comprehensive test ban, utilizing a science-based approach—

I repeat that: "a science-based approach"

—to stockpile stewardship and management in a smaller, more efficient weapons complex infrastructure. The future weapons complex will rely on scientific understanding and expert judgment, rather than on underground nuclear testing and the development of new weapons. [We are not going to rely on that anymore] to predict, identify, and correct problems affecting the safety and reliability of the stockpile. Enhanced environmental capabilities, and new tools in computation, surveillance, and advanced manufacturing will become necessary to certify weapon safety performance and reliability without underground nuclear testing.

That is what this money is for:

Weapons will be maintained, modified, repaired, and dismantled as needed to meet arms control objectives or remediate potential safety and reliability issues. As new tools are developed and validated, they will be incorporated into a smaller, more flexible and agile weapons complex infrastructure for the future.

I think the Senator will agree that is a great goal for us to obtain:

The Stockpile Stewardship and Management Program is a single, highly integrated technical program for maintaining the safety and reliability of the U.S. nuclear stockpile in an era without underground nuclear testing and without new nuclear weapons development . . .

Skipping on, I say to my friend from Arkansas:

There are three primary goals of the Stockpile Stewardship Management Program:

Reading from page 100 of our report:

(1) provide high confidence in the safety, security, and reliability of the U.S. stockpile to ensure the continuing effectiveness of the U.S. nuclear deterrent while simultaneously supporting U.S. arms control and non-proliferation policy;

(2) provide a small, affordable, and effective production complex to provide component and weapon replacements when needed, including limited lifetime components and tritium;

and (3) provide the ability to reconstitute U.S. nuclear testing and weapon production capacities, consistent with Presidential directives and the "Nuclear Posture Review," should national security so demand in the future.

So I say to my friend from Arkansas, we are doing not only what is required for national security but we are also following the directives of the President of the United States. That is what is so sensitive with the obligation that we have been given.

On this same page, skipping down to the bottom of another paragraph:

The President has also requested a new annual certification process to certify that the stockpile is safe and reliable in the absence of underground nuclear testing, and to produce a statement about the future confidence in the safety and reliability of the stockpile.

So that is what this is all about. There has to be a certification, re-

quired by the President, that the stockpile is safe and reliable. It is not easy. It takes money.

One of the programs that the Senator from Arkansas should be aware of is that there is going to be a new National Ignition Facility built that we talked about earlier today that will be the foundation for this new science-based stockpile stewardship program.

It is expensive to do that. When underground nuclear testing stopped, we had no idea that to build a facility like that would cost \$1 billion. That is for brick and mortar. Work is beginning. The funding of that is in this bill. It will be developed in the State of California. We are appropriating about \$187 million in this bill for that program that we never anticipated would be constructed.

So what we are doing in this bill regarding our weapons systems, in my opinion, I say to my friend from Arkansas, is a relatively small amount compared to the Defense appropriations bill which we just passed, but it is just as important, even though it involves a very, very small amount of money compared to the Defense appropriations bill. What we are doing here deals with weapons of mass destruction. It doesn't deal with whether we are going to build an F-22, or a joint strike fighter, or whether we are going to have an aircraft carrier. It deals with weapons of mass destruction.

What this subcommittee has done within its best ability, and with the best judgment we have, is we have come up with funding to provide the President and this Nation with a safe and reliable nuclear stockpile.

Mr. BUMPERS. Mr. President, let me say to both the Senator from New Mexico and to the Senator from Nevada, for whom I have the utmost respect and friendship, that I do not disagree with very much of anything either of them just got through saying. And they said it very well. I would like to say to the Senator from Nevada that that was indeed a courageous vote when he voted for the nuclear freeze, particularly as the Senator from Nevada. It was a very courageous vote. But, as he knows, correct votes around here are often very courageous. Sometimes we lose Senators because they cast too many courageous votes. It doesn't happen very often. Probably it ought to happen more often than it does.

But, in any event, I compliment him on that. I have always been in support of the nuclear freeze. I have been for 2½ years standing at this desk back here talking about the insanity of the number of nuclear weapons in both our stockpile and the Soviet Union's, now Russia's, stockpile when both countries always had hundreds of times more weapons than it would take to destroy the planet. So I have fought with some small measure of success to bring some sanity to the whole thing.

I just close out by this question that, as I say, troubles me. And the reason

that I came over here to offer this amendment to this bill which we are now debating, the Energy and Water Appropriations bill, is that it contains \$4.302 billion for nuclear weapons, for weapons activities, and the uses, which the Senators have described, to provide for the safety and reliability of our nuclear stockpile. Nobody would question that for a moment. I mean we have enough problems about how we are going to dispose of all of this stuff. That is one of hottest debates we have had so far in the Senate: How we are going to get rid of nuclear materials. But here we have a \$4.302 billion bill. And this is the thing that causes me some considerable concern: that it is \$284 million above what the Senate authorizing committee just authorized yesterday.

When I first came here, and up until recently, you could not appropriate more money than the authorizing committee authorized. And we are reaching the point where we don't need authorizing committees anymore because we routinely exceed what they recommend.

So this bill is \$284 million above the Senate authorized amount, \$258 million more than the President recommended, \$336 million more than the House authorized, and \$359 million more than the House Appropriations Committee approved.

Here are three authorizations, plus the President's request. And the President's request is supposed to reflect what DOD, the Defense Department, wants. We don't separate the two. When we talk about the President's request, we are speaking for the Defense Department. Here we are appropriating \$258 million more than the President and DOD asked for.

So here we are \$250 million-plus above everybody—the President, the authorizing committee, the House authorizing committee, and the House Appropriations Committee.

So I know the Senator can understand why that piqued my curiosity.

I would be delighted to yield the floor to the Senator, if he would like to respond to that.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I think maybe if the Senator from Arkansas ever thought that bringing down an amendment or discussion like this was futile, I believe this is the best explanation of what we are doing in the Department of Energy with reference to nuclear weapons. Maybe I have not been here for every discussion. But I think he has pushed us to discuss things that should have been discussed regularly, and more people should understand it. I can tell you that everybody knows that I have a lot of this activity in my State. But I am firmly convinced that we had better not come in on the short side of dollar expenditures on this process which is going to end up—and this ought to be dear to

the Senator from Arkansas because he is one of the leaders in trying to stop the testing. But if we are going to keep these people who are in charge of these laboratories able to certify that these weapons aren't going to go awry, or become unsafe, or deteriorate, then we had better not come on the short side of appropriating for their core staffers, and for the equipment and science research that they need.

Frankly, I laud those experts within the Department of Defense, Energy, and outsiders who came up with the substitute transition approach to move from testing to this science-based stockpile stewardship. But I can tell you from visiting the laboratories, talking to the directors, and talking to the people in charge of the divisions that are most contentious regarding having the right staff to do this new job, I am convinced that they have one tough job.

Like I said to the Senator from Arkansas. I wish we could say we don't have this arsenal to maintain. And the Senator knows we had more than we needed. I think we have to say about our laboratories and their responsibilities that they kept us in a state of readiness when nobody dared to do anything. And I think we all agree with that. Thus, the world has not had a nuclear device exploded intentionally to harm people or things since the ones that happened in Japan. That is because we had great laboratories with the greatest scientists we could put together keeping us out there.

I think we must do the same on this transition in 5 to 10 years. I worked very hard at this. I want to tell you that I don't believe that we know yet whether this 4.32 is the right number.

And, in answer to the last inquiry, we are not finished. We have to go through a House that has less. In answer to the question about the defense authorization versus appropriations, they are not finished yet. The House has different approaches. In fact, the Senator might have asked why they appropriated less than was authorized in the previous bill. That is because we are not through yet. There are disagreements.

But I thank the Senator for the dialog today. And I am very pleased that I was able to contribute to it. I hope I was, and I thank the Senator for his questions.

Mr. BUMPERS. Mr. President, I have the utmost respect for both managers of this bill, the chairman and ranking member.

Let me just say that the Senator brought this up. I deliberately did not mention Sandia and Los Alamos and the fact that Nevada receives a substantial part of this money because I don't really care where the money is spent. This is an issue to me that transcends the parochial interests of jobs. It is not that that isn't important to the Senator. Of course it is. It is important to me when I am fighting for something for my State. But, as I say,

there is something here that transcends that; that is, how much money we are spending on this.

I tell you that I share the Senator's concern for the same reasons that the Senator stated. My only concern is whether or not we are appropriating way too much money to accomplish what is, indeed, a very, very legitimate end.

Mr. President, I withdraw my amendment.

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

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I would like to address the issue of the additional funds provided to the Department of Energy for stockpile stewardship and stockpile maintenance under this appropriation bill. I do so both as someone who has followed nuclear weapons' issues for many years and as the ranking member of the Senate Armed Services Subcommittee on Strategic Forces, which has authorizing jurisdiction over these funds.

In testimony before the Subcommittee on Strategic Forces, two compelling points were made about these programs.

First, we are only beginning to learn how to certify the safety and reliability of the stockpile in the absence of nuclear testing. This Spring was the first time that the Department of Defense and the Department of Energy jointly made this certification. This procedure is now required by law to be completed each year. As time goes on and the nuclear weapons stockpile continues to age, our ability to certify the stockpile without testing will become more and more dependent on new science and technology that will emerge from the stockpile stewardship and stockpile management program. This conclusion was agreed to by all concerned—by Assistant Secretary Vic Reis on behalf of the Department of Energy and by General Habiger on behalf of the Strategic Command.

Second, there is considerable skepticism here in the Senate and in the defense community that the science-based stockpile stewardship can succeed over the long term. There are many who believe that the design of nuclear weapons relies so much on art as opposed to science that we will inevitably have to return to underground nuclear testing. I hope that this is not true, and I believe that ending underground nuclear testing is so important a policy objective that we must give science-based stockpile stewardship every chance to succeed. While the President shares this concern, it must also be recognized that his budget request had to strike a balance on many different dimensions and that even within the Department of Energy programmatic tradeoffs had to be made. We received strong testimony in the Armed Services Committee that the President's request was not adequate in a number of areas receiving extra funds in this bill, and I think that

there is a good case to be made for keeping those funds in this bill.

For example, on the stockpile stewardship side, we had the following testimony from the Director of the Sandia National Laboratories:

The costs of stockpile stewardship are not a linear function of stockpile size. A threshold capability will be needed to support the stockpile as long as it numbers in thousands, especially with the sophistication and demand for reliability that is associated with the systems on which deterrence rests today. I believe that we are near that threshold now, especially in light of the closures and changes that have occurred in recent years.

I don't believe that we ought to be addressing the question of the safety and reliability of the nuclear stockpile by seeing how close we can get to the threshold at which we can no longer certify the safety and reliability of the stockpile.

Another Director of a nuclear weapons laboratory, Dr. Bruce Tartar of Lawrence Livermore National Laboratory, had this to say:

The greatest challenges [to stockpile stewardship] lie ahead. The demands on the Stockpile Stewardship and Management Program will grow as weapons in the enduring stockpile continue to age. The U.S. nuclear weapons stockpile is now older on average than it has ever been. And, the reservoir of nuclear test and design experience at the laboratories continues to diminish.

Further, on the stockpile management side, the DOE production plants that make nonnuclear components for the enduring stockpile are in sorry physical shape. Some 80 percent of the nonnuclear components in nuclear weapons wear out and have to be replaced, during the lifetime of that weapon. Thus, there is an important continuing role for the DOE production plants in maintaining the enduring stockpile. The Armed Services Committee received credible testimony that the President's budget request was inadequate to do so. The budget request, for example, would result in a budget shortfall for one plant alone, the Kansas City plant, of nearly \$56 million—\$30 million for production operations and \$26 million for capital equipment and infrastructure requirements. The president of the division of Allied Signal who is responsible for the Kansas City plant had this to say before the Armed Service Committee, in regard to the President's budget:

In my view, diminishing support for the production plants would be extremely shortsighted and dangerous for the complex. For plants to be effective members of the team, we must have current and future capabilities to participate fully . . . [Implementation of the programmatic environmental impact statement for stockpile stewardship and management] will require future funding to downsize the plants physically, funding to recapitalize the plants so they are able to function properly once they are fully downsized, and adequate short-term funding to carry out production missions for current requirements.

I believe that the additional funding in this bill is necessary and appropriate, and I can assure the Senator

from Arkansas that as we go to conference on both this bill and the Defense authorization bill, we will arrive at final totals for funds authorized and appropriated that will result in the best possible, and most cost-effective program for maintaining the safety and reliability of the stockpile.

Mr. DOMENICI. Might I just state that I think Senator FEINGOLD is ready to go with an amendment. Is that correct? Then we are working on a list of amendments. We will have it momentarily on all of the other amendments, most of which we think we have resolved.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1004.

AMENDMENT NO. 868

Mr. FEINGOLD. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. BROWNBACK, and Mr. MCCAIN, proposes an amendment numbered 868.

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

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

The amendment is as follows:

On page 15, line 10, after "appropriated", insert the following: "Provided further, That the Secretary of the Interior shall, not later than November 15, 1997, provide a report to Congress on a revised project plan for the Animas-LaPlata project that reduces the total cost of the program to the Federal Government, limits the diversion of water from the Animas River to an amount recommended by the U.S. Fish and Wildlife Service, and ensures the project will be designed and implemented in the most cost-effective manner for the federal government: *Provided further*, That none of the funds appropriated in this or any prior act may be expended for construction until a project has been authorized at a date subsequent to the enactment of this appropriations act".

Mr. FEINGOLD. Mr. President, I send this amendment to the desk on behalf of myself and the distinguished Senator from Kansas [Mr. BROWNBACK] and the senior Senator from Arizona [Mr. MCCAIN]. This amendment is the product of negotiations of a number of Senators and provides that none of the funds appropriated in this bill for the Animas-La Plata project can be expended for construction until the Secretary of Interior submits a report on a new scaled-down project design and the new project is actually authorized by Congress at a date subsequent to the date of the enactment of this bill.

Mr. President, what this amendment means is that we will stop and evaluate what should be done before we spend more Federal dollars on this project. As colleagues may recall from my statement last year on this matter, the

currently authorized Animas-La Plata project is a taxpayer-funded water development project planned for southwest Colorado and northwest New Mexico. The project is designed to supply 191,230 feet of water. The Animas-La Plata project consists of two major reservoirs, 7 pumping plants and 20 miles of canals and pipes and will pump water over 1,000 feet uphill, consuming enough power to run a city of 60,000 people to supply municipal, industrial and irrigation interests.

Last Tuesday, Mr. President, prior to the Energy and Water Appropriations Subcommittee markup of the legislation that is before this body, those who support the construction of the Animas-La Plata project announced that they have developed what they believe to be a cheaper and scaled-down alternative. The announcement of an alternative sends a clear signal to this body. After 30 years and \$71 million in appropriations to date, the project costs of Animas-La Plata are too great and there are too many lingering substantive questions to proceed with the original design.

As I indicated during the discussion over the fiscal year 1997 energy and water appropriations legislation, I do support the search for an alternative to Animas-La Plata. In fact, legislation that I introduced on March 13, 1997, co-sponsored also by the Senator from Kansas [Mr. BROWNBACK] and also by the Presiding Officer, the Senator from New Hampshire [Mr. GREGG] and sponsored in the other body by my colleague from Wisconsin [Mr. PETRI] and the Congressman from New York [Mr. DEFAZIO], deauthorizes the current Animas-La Plata reclamation project and directs the Secretary of the Interior to work with the Southern Ute and Ute Mountain Ute tribes to find an alternative to satisfy their water rights needs.

However, the taxpayers should not continue to be asked to sock money away in Bureau of Reclamation construction accounts as a placeholder for an option that has not yet fully been analyzed and authorized.

This new alternative by the proponents has not had a full cost evaluation by the Department of Interior and, of greater concern to me, requires statutory changes to be implemented that I think should be reviewed by the authorizing committee in question.

It is the jurisdiction of this body's Energy Committee to determine the benefits of a reclamation project, and it is the responsibility of the Interior Department to make certain that the Federal Government's legal responsibilities to the Ute tribes under any sort of an agreement are met.

This revised project, which would be evaluated by the Department of Interior under our amendment, at a minimum may require major changes to several relevant laws and agreements. The 1986 Ute Settlement Agreement may have to be renegotiated to reflect changes in water allocations among

parties to the agreement, particularly the reduced quantity of water, changes in contract and repayment requirements and obligations and changes in cost-sharing requirements. The 1988 Colorado Ute Indian Water Rights Settlement Act may also need changes to conform to a new agreement and new requirements.

Finally, the Water Supply Act of 1958 would need to be changed to modify or waive current requirements that the beneficiaries of municipal and industrial water repay the Federal Government for construction costs with interest and pay for the Bureau of Reclamation operations and maintenance costs that are attributable to the amount of water they receive.

Let me make it clear, Mr. President, because we will be reauthorizing this project at some date in the future, the language in this amendment allows the Secretary to explore and recommend any appropriate alternative, including nonstructural alternatives, in developing a revised plan for submission to Congress.

These issues will all be assessed under the amendment we are offering before any funds can be expended in the construction of a new project. I think this is a responsible way to proceed, and I am pleased that so many Members of the Senate have worked together toward this amendment.

Mr. President, I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise in support of the Feingold amendment, of which I am a cosponsor, and associate myself with the Senator's comments.

I would like to note first that the Senator from Colorado [Mr. CAMPBELL], has done an outstanding job in representing his State in the work he has done on this particular project, and I realize I come late to this project and this proposal that he has worked on for a number of years. But as a new Senator looking at it, I have some questions about this particular project and this particular proposal, and that is why I join in this amendment. I know it has gone on for some period of time, and this has been a fight that has existed for some long period of time. But I think there are some questions that need to be answered. I think we have now started to take some of the tentative steps toward resolving those issues.

No. 1, this ought to be scrutinized by the authorizing committee rather than going through the appropriations process. That seems to be the legitimate way to go for us. It should first and foremost proceed through the authorizing committee, and this will give us a chance to better develop an alternative plan.

There are significant environmental questions regarding the issue of this particular project. Those have been in

existence for some period of time, and they are the product of a lot of these studies that have been going on, and yet they still remain. There is a great deal of division about the impact on the environment, the impact on endangered species. That is why it seems to me, again, it is wise to go back to the authorizing committee, to have an authorization process to take place with this particular bill.

That is what this amendment does. It directs the Department of Interior to take certain steps toward what will lead to a legally binding agreement that will secure the tribes' water rights and will enable us to make certain that our tax dollars are spent wisely and we keep any environmental impacts small. So I agree with the Senator from Wisconsin that while these are very difficult things to do because there is a lot at stake in what various people want for their particular States, for their particular areas, in looking at these projects they may well at the end of the day prove to be very wise projects. This one, I think, has proceeded in the wrong fashion. It needs to go back to the authorizing committee. I think the amendment we have put forward here has some strong bipartisan support. It is a sensible project. It does not kill the project. It simply says let us go back and take it through the right and appropriate steps. I think that is prudent in answering the difficult questions that exist.

So I rise in support of this amendment and urge my colleagues to vote in favor of this amendment.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. I thank the Chair. I rise in opposition to this amendment.

Mr. President, in the years I have been in the Senate, what has always interested me is the history of these desks. If you open these desks, as many of my colleagues have and most people who are students of history of the Senate know, inside the drawer literally every Senator who has served in the Senate has signed his name and noted the State from which he came. I often wonder, when I read the names of those Senators in the drawers and the little accompanying booklet that goes with it, how they voted on issues that affected the American Indian.

In this particular desk, we will probably not know without extensive research how Senator Townsend or Senator Kean or Senator Goldsborough or Senator Brown or Senator Case or Senator Duff, to mention just a few who have used this desk, voted on American Indian issues. But during the days when "Manifest Destiny" was the national watchword, I wonder if they voted with the pack to take away the last remaining land and water possessions and freedom of the American Indian, or did at least a few show courage and stand up for fairness by protecting a people who could no longer defend themselves. I wonder, did they sub-

scribe to Abraham Lincoln's creed that "all men are created equal," or was the jingo of Andrew Jackson's day, "The only good Indian is a dead Indian," their guiding principle?

Today, I stand at the desk of my friend and colleague, Senator PETE DOMENICI, from New Mexico, who is managing this bill on the majority side. Senator DOMENICI is known nationwide in Indian country for his fairness and leadership in making sure that the lives of the American Indians are just a little better. And to my left, Senator REID of Nevada, who is managing for the minority side, has the same reputation. I am very gratified that they are here in the Chamber with us today. I am hopeful that the attitude exemplified by these two outstanding senators, the new enlightened attitude, marks a change for the entire senate from that attitude of those forgotten Senators whom I mentioned earlier and upon which they made their decision concerning the first Americans.

We do not intentionally kill Indians with bullets or disease anymore. But it seems clear that some of our brothers still want to kill their livelihood, kill their opportunity, kill their future, kill their culture, and kill their natural resources that we promised them in every one of the 472 treaties that we then broke as an arm of the U.S. Government. And, by the way, Mr. President, American Indians broke none of them.

I guess what amazes me the most about those who advocate taking away what little American Indians have left are often Senators who neither have the institutional memory of the 1968 authorizing act of the Animas-La Plata or the 1988 bill that I carried 10 years ago which implemented a compromise agreement that was signed into law and has been supported by every President since 1988. These Senators are often ones who have never even seen an Indian reservation.

To them, I would say go out and spend some time in an Indian community that has a 75-percent unemployment rate, as one reservation in Senator REID's State, in Owyhee, NV, does have. Speak to families whose children have dropped out of school and then committed suicide as an escape from a hopeless, dark future.

One out of every two teenage girls and one out of every three teenage boys try suicide in their teenage years in some reservations. This is not a Third World country I am speaking about. It is a daily experience for many American Indians in this, the greatest country on the face of the Earth.

Go out and speak to the social workers inundated with problems of a depressed culture and little resources to help. Listen to the frustrated tribal council members who try to cope with fetal alcohol syndrome, a rate so bad that on some reservations one out of every four Indian babies born suffers from some degree of fetal alcohol syndrome, some to such a degree that they

have to be institutionalized for life at the taxpayer's expense.

All of those problems, Mr. President, were inherited as side effects of what was called "westward expansion," and the ensuing lack of opportunity continues to this day. I would tell my colleagues to go out there and experience hunger and sickness that is a daily experience for all too many American Indians. And then come back here to this floor and tell their colleagues how we do not owe Indians anything. But do not tell us that you are doing it in their best interest or in the interest of saving taxpayers' money.

Mr. President, all they have to do is look at the amount we spend now in Federal programs, about \$1.5 billion through the Bureau of Indian Affairs last year and about \$2 billion through the Indian Health Service. Almost all of it is to help a people who have become dependent on Federal programs through no cause of their own.

We will soon debate in this Chamber, Mr. President, the expansion of NATO and the billions of dollars that expansion will cost the American taxpayer, and as sure as I am standing here, some on this floor will support that expenditure of all those billions and still vote to take away the last best chance for economic independence for the Southern Utes and the Ute Mountain Utes right here in my State of Colorado.

When we speak of spending taxpayers' money, where is it written that all those billions that go to foreign countries are justified when we cannot find a pittance to help American Indians?

The Animas-La Plata is an agreement that must be honored. Not only did the tribes agree to the project but the States of Colorado and New Mexico did, too, a number of water conservancy districts did, and nine Federal agencies all agreed to the compromise of 1988. We are now being asked to compromise a compromise of the original 1968 authorization. Congress approved the settlement agreement in the Colorado Ute Indian Water Settlement Act of 1988 and President Reagan signed it into Public Law, and it has been supported by every President since.

The only thing we are asking in this appropriations bill is what the President has in his budget. Too many people are dependent on this project, both Indian and non-Indian, to simply disregard it. Anyone from the American West can tell you, and particularly the American Indian, water is life. Water is the lifeblood of our future. This settlement fulfills the rights of tribes for water on the reservation. It settles disputes and removes causes for future litigation. It secures the tribes' opportunity to generate revenue from the use of reserve rights obtained under the agreement and authorizes them to sell or exchange or lease some of their water.

Construction of the Animas-La Plata water project is essential to that settlement. If the project is not completed

by the year 2000—and it is highly likely it may not be now, since the agreement was 1988 and the agreement stipulated they would start construction by 1990 and we are already behind by 7 years—the tribes have the option to go back to court to pursue their original claims in both the Animas and La Plata Rivers. Their victory in court would be certain and would trigger years of costly litigation among the United States, the State of Colorado, and water right holders throughout the region, wreaking havoc on the economies and water administration in Colorado.

I might also point out that when we get into that expensive litigation at taxpayers' expense, it is going to be one Federal agency suing the other Federal agency, because the Bureau of Indian Affairs is responsible for protecting the Indian people, as you know. They will be suing the Bureau of Reclamation for noncompliance. Guess who pays for the expensive attorneys on both sides of the equation?

The Supreme Court has held, in *Winters* versus the United States, that the United States, if the United States enters into a treaty with an Indian tribe creating a reservation, it impliedly reserves sufficient water to irrigate the reservation lands. Based on that doctrine, which mandates that Indian tribes get water, not money, the United States in 1976 filed reserved water right claims on behalf of both tribes. These reserved water rights would have preempted the vested water rights of non-Indian water users in the San Juan River Basin, drying up family farms and ranches that have existed in that area for years and years.

You can imagine how the non-Indian people feel about tribes going back to court and exerting their rights. They have these priority rights because they were there first, and they rarely lose in courts.

The Indian tribes do not want to go back to court. Their neighbors do not want them to go back in court. They, instead, chose to settle, and that is what the 1988 agreement was about. It is just lucky, I think, for the majority of the people in our area that the Ute Indians continue to give in the same generous spirit that they once gave their land and lives to build this great Nation.

In looking at the Feingold amendment, it is simply divided into two parts. The first part is a diversion and the second part is a killer.

Mr. President, let's not add to the dismal record of our treatment of the American Indians. Let's do the right thing and defeat the Feingold amendment.

With that, Mr. President, I move to table the Feingold amendment.

Mr. President, 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. CAMPBELL. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DOMENICI. Mr. President, the motion to table takes no debate.

The PRESIDING OFFICER. The motion to table is a nondebatable motion. It takes unanimous consent to proceed.

Mr. McCAIN. Mr. President, I ask unanimous consent to set aside the tabling motion at this time in order to address this issue. I believe the other Senator from Colorado wishes to address the issue as well.

The PRESIDING OFFICER. Is there objection?

Mr. CAMPBELL. I have no objection.

Mr. McCAIN. I ask unanimous consent I and the Senator from Colorado be allowed to address this amendment by the Senator from Wisconsin prior to the tabling motion.

Mr. DOMENICI addressed the Chair.

Mr. McCAIN. I yield to the Senator from New Mexico without losing my right to the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time might you need, Senator? As much as you want, but let's agree to it.

Mr. McCAIN. I will need 7 minutes.

Mr. ALLARD. I can keep my remarks brief and then submit my full comments for the RECORD. If I can have a couple of minutes, that will be sufficient.

Mr. DOMENICI. I ask unanimous consent we proceed in the following manner: The tabling motion be set aside so Senator McCAIN can speak for up to 10 minutes, Senator ALLARD for 10 minutes, and the Senator from New Mexico up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. McCAIN. Let me first of all start out by expressing my admiration and respect for the Senator from Colorado, Senator CAMPBELL. If there is any voice that is needed on behalf of native Americans in this body, it is that of Senator CAMPBELL. Senator CAMPBELL has the understanding, the compassion, and, frankly, the credibility that no one else in this body has concerning native American issues, along with others. His advocacy for native Americans is something that has earned, not only the respect of his colleagues here, but the respect and appreciation of millions of Americans both Indian and non-Indian alike.

I believe this amendment satisfies the concerns of native Americans on this issue and at the same time reduces the costs rather dramatically. I believe it is a workable compromise that, hopefully, will prevent us from revisiting this issue year after year. I remind my colleagues, the original proposal by the Senator from Wisconsin, Senator FEINGOLD, was to do away with all funding for this project. This is a significant step backward from that position and one that I hope we can support.

This amendment retains the \$6 million currently in the bill for continuing negotiations and environmental assessments required for the Animas-La Plata project. It requires the Secretary of the Interior to report to Congress on a reduced, scaled-down plan for the project which would have reduced costs for the Federal Government. Finally, the amendment prohibits the use of any funds for construction of the project until authorization is provided for a new project.

This is necessary because there are many legitimate concerns for the plan for the Animas-La Plata project. It's very expensive: \$750 million. It includes some issues that raise serious environmental concerns which need to be addressed. Yet, we need to resolve this legitimate water rights claim for the Ute Tribes in Colorado and New Mexico. They need to be resolved, I have no doubt. I point out, without those water rights being resolved, then we will be, as the Senator from Colorado so graphically described, abrogating our responsibilities by solemn treaty to the Ute Tribes. This amendment will preserve the funding necessary to go forward with environmental assessments and negotiations necessary to conclude a revised, scaled-down project plan. Without such an agreement and without a much more fiscally responsible plan, the United States could be liable for hundreds of millions of dollars to settle these water rights claims.

I want to point out that the Indians are part of this proposal that is embodied in this amendment. The parties principally concerned, including the Indians, with resolving this plan announced on July 8, 1997, a new plan that would save the taxpayers over \$400 million and reduce the environmental impact of the project while maintaining our treaty commitments with the Ute Tribes. I want to point out that the Ute Tribes' opinion on this issue is that we would maintain our treaty commitments to those tribes.

This plan would save a great deal of money. The previous plan would have cost almost \$750 million while the new plan is estimated to cost about \$290 million—a savings of \$460 million. The new plan reduces the Federal share of the project's cost, \$257 million, and requires \$33 million in State and local cost sharing. The plan will resolve legitimate water rights claims without costly litigation. It complies with the spirit of the 1988 Colorado Indian Water Rights Settlement Act and will honor a 130-year-old treaty commitment to the Ute Tribes. The two Ute Tribes have accepted this plan as a final settlement of their water rights claims. The new, scaled-down plan significantly reduces the environmental impact of Animas-La Plata. Water flow diverted from the Animas River will be limited to 14.5 percent of the river's average annual flow, which is slightly more than half the diversion under the original plan. The new plan includes a proposal to protect endangered fish in the Animas



River system, which has been approved by the U.S. Fish and Wildlife Service. A dam on the Animas River will not be necessary because the new plan does not include diversion of water for irrigation facilities. The new plan redirects the project to provide maximum benefit to the Ute Tribes.

The plan ensures that tribes will receive two-thirds of the water diverted from the Animas River. The previous plans guaranteed large amounts of water to local agricultural interests rather than Indians. The new plan is fully supported by the tribal, State and local governments most directly affected by the Animas-La Plata project.

Mr. President, I am pleased when diverse groups, including tribes, State governments and local communities, get together to solve common problems. I think the revised plan recently announced by the interested parties should be seriously considered by everyone concerned.

In the meantime, I believe we should proceed with the environmental assessments and necessary discussions to ensure the most fiscally responsible plan will be developed to meet the U.S. treaty obligations and finalize a cost-effective plan for this project.

I urge my colleagues to support this amendment, which will ensure that we move forward in a timely fashion with a cost-effective, fair, and supportable Animas-La Plata project.

Mr. CAMPBELL. Will the Senator yield for a question?

Mr. MCCAIN. I will be glad to yield for a question by the Senator from Colorado.

Mr. CAMPBELL. My question, first of all, is have you visited with leaders of the two tribes today, Senator?

Mr. MCCAIN. In response to the question, I have not visited with the leaders of the two tribes today. I have been briefed on the proposal that has the signatures of the tribal membership's leaders is on it. That was briefed to a number of people, including members of my staff.

Mr. CAMPBELL. I appreciate that. Then I would like to make the record clear, Mr. President, that I have met with the tribal representatives today, and they are absolutely opposed to this amendment. They have "an alternative proposal," but if it should be looked at, it should be done fully through the authorizing committee as a bill, open to public hearings, and not put into an appropriations bill where no one has the time to read it. I haven't even read the proposal myself, and I live there.

So there will be no mistake, the tribes today, as of today, said they oppose this amendment.

Mr. MCCAIN. Mr. President, it is my understanding that this amendment is based on a proposal brought forward, not only by the tribes, but also the local authorities who are affected by the project. I certainly do not dispute the word of the Senator from Colorado. If he has that information, I hope he will supply the letter for the RECORD. I am sure he will be able to do that.

I think this proposal was brought forward in recognition that the entire Animas-La Plata project, because of the incredibly high-cost associated with it, was in significant danger. The project almost was defunded last year, in a very close vote here in the Senate. It was my belief, and remains my belief, that the Feingold amendment is a compromise that seeks to continue the funding and at the same time scale down the project and take into consideration the environmental concerns and also comply with our treaty commitments to the Ute Tribes.

Mr. FEINGOLD. Will the Senator from Arizona yield?

Mr. MCCAIN. Mr. President, I hope I am clear in my respect for the Senator from Colorado. But I also hope I am clear that never at any time have I ever supported a measure that would be in violation of the solemn treaty commitments that we have made. It is my understanding that this amendment is in full compliance with the treaty commitments that have been made concerning the water rights of the Ute Tribes.

Several Senators addressed the Chair.

Mr. CAMPBELL. If the Senator would yield for a moment?

The PRESIDING OFFICER. The Senator from Arizona has 1 minute 20 seconds left. He can yield to whomever he wishes.

Mr. MCCAIN. I yield my remaining time to the Senator from Colorado.

Mr. CAMPBELL. Mr. President, with that, I ask unanimous consent to have printed in the RECORD a letter signed by Chairman Judy Knight Frank, the chair of the Ute Mountain Ute Indian Tribe and Chairman Clement Frost, Southern Ute Indian Tribe, July 15, 1997, which opposes this amendment.

If the Senator did not get a copy of this, I apologize for that. But I will be happy to share this with him and have that in the RECORD.

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

JULY 15, 1997.

*Members of the U.S. Senate,  
The Capitol,  
Washington, DC.*

DEAR MEMBERS: Construction of Phase I of the Animas-La Plata project is a requirement for the completion of the Colorado Ute Indian Water Rights Settlement Act, and we continue to seek fulfillment of that Act. Controversy has delayed construction of the project, even those facilities approved by the U.S. Fish and Wildlife Service in 1991 and directed by Congress in its FY 1996 Energy and Water Appropriations bill to be built without delay.

We have tried, in every venue including a process established last year by the State of Colorado and the Department of the Interior, to address those controversies in a responsible way, but in a way which fulfills the intent of the Settlement—providing us with the water promised our people in 1868 to meet our present and future needs.

We support Senator Campbell and Senator Domenici's continuing efforts to ensure that the federal government lives up to its obligations and trust responsibilities identified in

the 1988 Act. Of utmost importance to us is the prompt construction of facilities which will protect that water for the Tribes, and those facilities have been authorized, analyzed and approved in many jurisdictions, including the United States Congress. Funding for the continued effort to build these facilities, making a stride toward fulfillment of the Settlement Act of 1988, is absolutely necessary.

JUDY KNIGHT FRANK,

*Chair, Ute Mountain Ute Indian Tribe.*

CLEMENT FROST,

*Chair, Southern Ute Indian Tribe.*

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. ALLARD. Mr. President, I thank the chairman of the Budget Committee, Senator DOMENICI, for his fine work. I would like to recognize the tremendous work that my colleague and fellow Senator from Colorado, Senator BEN NIGHORSE CAMPBELL, has done on behalf of native Americans.

I rise in opposition to the Feingold amendment. I rise today to offer my support for the Animas-La Plata project.

This issue has been very contentious for a very long time. While the proponents of the amendment are well-intentioned, they are also very poorly informed. I can think back, maybe 3 or 4, maybe 6 months ago, when there was some activism within America, saying we ought to apologize to native Americans. If we are really concerned about what happens to native Americans, we ought to first look at keeping our word, keeping those treaties which we have signed.

The 1988 Colorado Ute Indian Water Rights Settlement Act recognized the legitimate water rights claims established by treaty, way back to 1868, and again promised the Ute Indian Tribes a permanent, reliable water source to meet their present and future needs. These are rightful water rights that have been affirmed by the Supreme Court and ratified by Congress. The Animas-La Plata project, the foundation for this settlement, would divert a portion of the annual runoff from the Animas River into an off-stream reservoir, rather than damming the river and flooding the river valley. This project fulfills an obligation that we have to the Indian tribes that we should not forsake. This is a treaty obligation. That is what those who favor elimination would like everyone to overlook.

The Rocky Mountain News, a major paper in the Rocky Mountain region, in an editorial published last week, made this point very well when they wrote of the opponents to this project:

They will do anything, it seems, to achieve their goal of seeing the United States break another agreement with Indian tribes.

As the Ute Tribe stated recently, we only ask that Congress, which promised the two tribes adequate water supply when they placed us on a reservation over a century ago and agreed to a full-size Animas-La Plata in 1988, be fair with us now and support a reduced facility and settlement.

What opponents of this project don't understand is that in the West, unless we have a facility to store water, we cannot really settle the water claims of the Indians. What happens if we don't fund this project? The tribes will sue, and instead of living up to our agreements, we will see litigation, and I don't think that is where we want to be going.

But the issue here is bigger than just another project. The issue here deals with not breaking another treaty with another tribe.

I yield time to my colleague from Colorado, Senator CAMPBELL.

Mr. CAMPBELL. Mr. President, I forgot to have printed in the RECORD earlier in my comments two editorials from our State's two major newspapers: one from the Rocky Mountain News dated Thursday, July 10, the headline saying: "The Utes' Generous Offer." It is an editorial dealing with how fair and understanding and conciliatory the Utes have been in the whole question of building this project. The other editorial I would like to have printed in the RECORD is from the Denver Post, which is our State's largest newspaper, and the headline is very simply: "Double-crossing the Utes."

Let me read one paragraph from that very strong editorial:

The real question now is simply: How many times do Animas-La Plata opponents think they can double-cross the Utes?

When the Utes asked for a \$714 million project, opponents said a \$264 million project would do. When the Utes offered to accept a \$257 million project, the opponents then dangled the vague hope of a \$167 million handout. If Animas-La Plata opponents now succeed in killing even the Utes' own scaled-down plan, would they really have any incentive to keep even that promise?

The answer is no.

I ask unanimous consent to have these two editorials printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

#### DOUBLE-CROSSING THE UTES

On Oct. 11, 1995, foes of the Animas-La Plata water project, led by the Sierra Club Legal Defense Fund, released with great fanfare an engineering study claiming that a smaller version of the project would fulfill most of its goals at a cost of just \$264 million—barely a third of the \$714 million cost of the full project.

Leaders of the Southern Ute and Ute Mountain Ute tribes reacted warily, suspecting that the supposed alternative was a diversionary tactic intended to stall A-LP until it could be killed entirely.

Guess what? The Utes were right.

The proof came last week when A-LP supporters unveiled their own version of a downsized project—with a federal price tag of just \$257 million, \$7 million less than environmentalists supposedly were willing to accept in 1995. Just as the Utes had feared, the project's foes reacted with a furious attack on a plan very close to what the opponents themselves proposed in 1995.

While tribal elections have consistently shown that the great majority of Utes support A-LP, a small dissident group led by Sage Remington opposes the project. Remington was on hand last week to tout yet an-

other supposed "compromise": asking Congress to give the Utes \$167 million to buy land and water rights if and when they become available.

Ute Mountain Ute Chairman Judy Knight Frank and Southern Ute Chairman Ray Frost have firmly rejected such a cash handout. The Utes don't need money to buy more water rights. To convert the theoretical rights they already own to reality, the tribes need a reservoir to store the water so they can use it when they need it.

The real question now is simply: How many times do A-LP opponents think they can double-cross the Utes?

When the Utes asked for a \$714 million project, opponents said a \$264 million project would do. When the Utes offered to accept a \$257 million project, the opponents dangled the vague hope of a \$167 million handout. If A-LP opponents now succeed in killing even the Utes' own scaled-down plan, would they really have any incentive to keep even that promise?

Chairman Frost had an answer to that question last week, based on the Indian people's long and sorry history of being cheated out of their land and water.

"They'd probably give us \$24. That's what they paid for Manhattan."

[From the Rocky Mountain News, July 10, 1997]

#### THE UTES' GENEROUS OFFER

Critics are lining up already to denounce the latest, scaled-back version of the Animas-La Plata water project in southwestern Colorado, announced this week in the nation's capital. They will do anything, it seems, to achieve their goal of seeing the United States break another agreement with Indian tribes.

Such stubbornness was to be expected. Still, this week's initiative by the two tribes—the Ute Mountain Utes and the Southern Utes—should at least put their antagonists temporarily on the defensive. After all, for years those critics have complained that a majority of the water from Animas-La Plata would go to non-Indian users. With this new proposal, that is no longer true. In fact, the tribes would get two-thirds of the water.

For years the critics have also worried about the effect of the project on endangered species. Now the tribes wish to take only the amount from the Animas river—57,000 acre-feet—that the U.S. Fish and Wildlife Service has said could be withdrawn without harming two endangered fish species.

Why does none of this sway the coalition that opposes Animas-La Plata? Because they believe the project is an example of "corporate welfare" and an old-style federal water scheme that fails any reasonable economic test. Whether Animas-La Plata costs \$680 million in federal revenue (the previous version) or \$257 million (under the latest scheme) doesn't really matter. They're against it, and that's that.

We might oppose Animas-La Plata as well, save for the fact that the two tribes are involved. Like it or not, they happen to possess agreements from federal and state officials—including a previous U.S. president—promising them that Animas-La Plata would be built to fulfill their historic water rights.

Pledges of that nature might not mean much to a single-minded coalition battling corporate welfare, but it should mean something fairly profound to most of the rest of us. After all, double-crossing Indian tribes is a habit that government was supposed to have outgrown. And just because the tribes might be able to obtain enough water through another means is irrelevant. They have not chosen another means. They have

chosen the Animas La-Plata project and the government of the United States has promised them they could have it.

Now those tribes have scaled their ambitions back—again—and would like to see others meet them halfway.

They shouldn't hold their breath.

Mr. CAMPBELL. I yield the floor.

Mr. ALLARD. Mr. President, I yield to the Senator from Idaho, Senator CRAIG.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Idaho.

#### PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, first of all, I ask unanimous consent that Kristine Svinicki on my staff be allowed the privilege of the floor for the remainder of the consideration of S. 1004, the energy and water development appropriations bill.

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

Mr. CRAIG. Mr. President, in 1988, I helped my colleague from Colorado, Senator CAMPBELL, develop and pass the Colorado Ute Water Settlement Act. It was fair and responsible at that time to deal with a dispute that could only be dealt with in the nature that we solved it with this legislation.

From that point to now, there has been discussion and dispute and a substantial scaling down of this project. In the high deserts of the West, water is everything. If my colleague from Wisconsin lived in the deserts of the West, he would be scrambling to secure water for his people. He doesn't live there. He doesn't understand the importance of this very, very critical water issue.

This is a balanced compromise with all parties sharing. These Indians, these native Americans without water can find it very, very difficult to eke out an existence, whereas, with water, they have an opportunity with agriculture to prosper and develop their lands. That is what this issue is all about.

Let us keep our word and our promise. Let us develop an understanding that when we, from the West, come to our colleagues asking for the development of water in the high deserts, that we work cooperatively with them to do so, as we worked with our colleagues from the upper Midwest to secure flood control and those kinds of things where they have an abundance of water and we have little to no water.

This is the important issue. I hope the amendment will be rejected by the Senate, recognizing the promises and the commitments made and the kind of cooperative relationship we have with all of our colleagues, where one has an abundance of water; in this instance, we have little to no water. Therefore, to secure, to maintain, to ensure an environment, to actually increase the abundance of wildlife, one must catch and store the water when it is available, and that is what this is all about. Not only for resource use, for environmental reasons, but most assuredly to enhance the ability of native Americans in this instance to improve their

lot and to gain what is responsibly and rightfully theirs.

So I hope that my colleagues will reject this amendment and get on with the commitment we made in 1988 for this very important water project.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. How much time do I have?

The PRESIDING OFFICER. Two minutes.

Mr. ALLARD. Mr. President, I reiterate that it is more than just apologizing to the native Americans in this instance, it is keeping our word, it is keeping our agreement, a treaty with the native Americans. Again, I think we ought to stand by the side of my Senator from Colorado, Senator BEN NIGHTHORSE CAMPBELL, in fighting this amendment, and support him in his efforts in trying to provide a better life for his people and the native Americans in southwestern Colorado.

I yield back the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before I use my 10 minutes or allocate it to somebody, I would like to propose a unanimous-consent request that has been cleared on the other side. Let me read it and read the amendments that are listed.

Mr. President, I ask unanimous consent that the following be the only remaining first-degree amendments in order to S. 1004 and they be subject to relevant second-degree amendments:

Feingold-Brownback amendment No. 868;

Torricelli-Lautenberg amendment on Green Brook;

Kempthorne amendment on fish friendly turbines;

Bumpers amendment on 10-mile bayou;

Levin amendment on Great Lakes basin;

Biden amendment on Dewey-Rehoboth Beach;

Biden amendment on St. George's Bridge;

Daschle-Johnson amendment on Crow Creek rural;

Murkowski amendment on DOE external regulation;

Dorgan-Conrad amendment on Devils Lake;

Burns amendment on hydrogen R&D; Shelby amendment on Lake Tholocco Dam;

Bond relevant amendment;

Managers' amendment;

Moseley-Braun amendment on McCook Reservoir; and the

Dorgan relevant amendment.

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

Mr. DOMENICI. Mr. President, I further ask unanimous consent that following the disposition of the above-listed amendments, S. 1004 be read a third time and the Senate proceed to a

vote on passage of the bill; further, when the Senate receives the House companion measure, the Senate immediately proceed to its consideration. I further ask unanimous consent that all after the enacting clause be stricken, and the text of the Senate bill, as passed, be inserted in lieu thereof, and the bill be read a third time and passed. I further ask that the Senate insist on its amendment and request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

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

Mr. DOMENICI. I thank the Senate for accommodating me. Might I say, of the nine or so amendments, I believe six will be resolved at least by mutual agreement between sides, so we will not have much left.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say, I do not believe the Senator from Wisconsin has any time. Tabling the amendment would be up. Is the Senator desirous of speaking?

Mr. FEINGOLD. Mr. President, I ask unanimous consent to be able to speak for 1 minute on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 1 minute to speak on his amendment.

Mr. FEINGOLD. Mr. President, I want to clarify that the comments of the Senator from Idaho made great focus on the fact I am not from the West. The fact is, Senator John MCCAIN is a cosponsor of this amendment, supports and believes it is reasonable and has a great familiarity with the concerns of the West.

Mr. CRAIG. Will the Senator yield?

Mr. FEINGOLD. I also want to make one thing clear. In contrast to the Senator from Colorado, this amendment provides for the authorizing committee to act on a revised project plan. It does not put into effect the alternative plan. It does not prejudice what the project will look like. It allows full public hearings before Congress acts. It does not strike any funds, it simply says the funds in the bill cannot be expended for construction of a new project until it is authorized. I just wanted to clarify that. Thank you, Mr. President.

Mr. DOMENICI. Mr. President, I thank the Senator. I have 10 minutes?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. DOMENICI. I yield 1 minute to the Senator from Idaho.

Mr. CRAIG. Mr. President, let me tell the Senator from Wisconsin, it is not my intent to impugn his integrity. I am simply saying when you live in a State with an abundance of water, your feelings about water are different. My colleague's State of Arizona is abundant with water today as a desert because this Congress saw fit to pour hundreds of millions of dollars into water development in his State, and

his State is the great beneficiary of those programs today.

Whether you agree or disagree, the reality is, Arizonans know how to allocate water resources most effectively. But the Ute Indians have not had that opportunity, and I am simply saying that when you are in a high desert, you recognize that if human life is to exist, it exists only in the presence of water.

I think my colleague understands that, but having been born and raised in the high deserts of the West, I think there is an understanding and appreciation that is sometimes difficult to convey, and that was my intent.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, for all Senators, I don't know what their evening schedule is, but I have not been told to create any window. We are going to vote in about 10 minutes on the motion to table the Animas-La Plata amendment offered by Senator FEINGOLD.

Mr. President, if I thought this amendment offered by Senator FEINGOLD and the distinguished occupant of the chair would, in fact, keep alive the Animas-La Plata project in a manner that had a reasonable chance of succeeding, I would be over here asking my friend from Arizona to go find our Indian leaders and let's go out in the hall and agree to it.

I am not talking about anybody's intent, but I am telling the Senate that if this amendment becomes law, I do not believe the project has a chance of going anywhere.

The Secretary of the Interior is given broad latitude by this amendment to make decisions about the project which I don't believe the U.S. Congress should give him for a project as controversial and subject to pressure as this one. I make no reference to him personally or his abilities as Secretary, but I just don't believe that we can tell the Indian people that allowing Secretary Babbitt to decide what will be a cost-effective way of completing the project—that is one item in the amendment—will ever work.

The amendment states that the Secretary shall come up with a project that limits the diversion of Animas-La Plata as recommended by the U.S. Fish and Wildlife Service; let me say that number is about 57,000 acre-feet annually. That is what the number ought to be; not a new number proposed by U.S. Fish and Wildlife, because they have already agreed to 57,000 acre-feet. I don't want Fish and Wildlife in 2 or 3 years taking yet another look and then changing what they think ought to be diverted.

This project is controversial because it costs money and it is giving water to Indian people who have been denied their legitimate water rights. I believe Ute tribes have a very good case to make that the U.S. Government has denied them promised water rights,

and this project is a solution to getting the Utes wet water and avoiding costly litigation.

I do not believe we ought to allow this amendment which permits the Secretary of the Interior or anyone other than Congress to decide the fate of the project. That is my feeling, I say to Senator CAMPBELL, and I believe what we have done—so the Senate will understand, the Senate Appropriations Committee put in this bill precisely the amount of money that the President of the United States asked for. No more, no less.

With this appropriation, development of this project, I believe rightly so, will be able to proceed in an orderly manner. This amendment allows the Secretary of the Interior to define this project. Nobody else has mentioned the Secretary of the Interior's role in this amendment, but I think if you read it carefully, it gives him all kinds of authority to decide the fate of this project. The Secretary already has delegated much of that authority to the Governor and Lieutenant Governor of Colorado to have meetings with the interested parties to see if they can resolve the issue. I just do not believe this amendment furthers the goal of getting the Indians their water.

Mr. CAMPBELL. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. CAMPBELL. I point out, it was the Fish and Wildlife Department that has thrown so many roadblocks in front of the Animas-La Plata already under the guise of the Endangered Species Act, as you know.

Mr. DOMENICI. I say to the Senator, I do not want to go back over all the problems that we have had with eight or nine departments of the Government fighting against each other with regard to this project, but the Senator is correct.

But I do want to say, for anybody who is listening, the Senator from Colorado—who occupies my seat; he just said that a while ago while I am here in this one—has said it right.

We ought to solve this problem and give to these two Indian tribes what they deserve; promised water. They have been most patient, most willing to compromise in a realistic way.

I add just parenthetically that my little State has been waiting forever for about 20,000 acre feet of water that they are entitled to under the project. That is a lot for that part of New Mexico.

I do not want to sit by and watch those rights be subject to anyone other than the U.S. Congress' determination on how we ought to proceed in getting this project completed. I believe in due course we can satisfy our obligations to the Utes and other water users because a lot of new ground has been turned; new agreements are being worked out between many water users in that four-corners region.

The opponents to the project have attended these meetings in the negotia-

tion process; I hope a number of you who are proposing this amendment do not necessarily agree with all of those who oppose this project. Some opponents find reason to oppose it once a month, maybe. Maybe in some cases they have found three or four reasons a month, and they rest a while and then they found six or eight more reasons to oppose this project in 6 months' time. There are those who will oppose any project, no matter how worthy.

In any event, I yield back the remainder of my time.

I understand the yeas and nays have been ordered on the motion to table. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] and the Senator from Rhode Island [Mr. Chafee] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—56

Abraham	DeWine	Kyl
Akaka	Domenici	Landrieu
Allard	Dorgan	Lott
Ashcroft	Enzi	Lugar
Baucus	Faircloth	Mack
Bennett	Frist	McConnell
Bingaman	Gorton	Murkowski
Bond	Gramm	Nickles
Breaux	Grams	Reid
Bryan	Grassley	Roberts
Campbell	Hagel	Sessions
Cleland	Hatch	Shelby
Coats	Helms	Smith (OR)
Cochran	Hutchinson	Stevens
Conrad	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Inouye	Thurmond
D'Amato	Jeffords	Warner
Daschle	Kempthorne	

NAYS—42

Biden	Harkin	Moynihan
Boxer	Hollings	Murray
Brownback	Johnson	Reed
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Collins	Kerry	Roth
Dodd	Kohl	Santorum
Durbin	Lautenberg	Sarbanes
Feingold	Leahy	Smith (NH)
Feinstein	Levin	Snowe
Ford	Lieberman	Specter
Glenn	McCain	Torricelli
Graham	Mikulski	Wellstone
Gregg	Moseley-Braun	Wyden

NOT VOTING—2

Burns Chafee

The motion to lay on the table the amendment (No. 868) was agreed to.

Mr. KEMPTHORNE. Mr. President, I want to express my support for the energy and water appropriations bill and specifically for funding for the McCall, ID, wastewater treatment facility. I would like to thank Senator DOMENICI for including funding for this impor-

tant project in the bill and Senator CRAIG for his support and leadership on this issue in the committee.

Cascade Reservoir is a federally owned facility located downstream of the city of McCall on the north fork of the Payette River, and is the second most used recreation site in the State of Idaho. The community is currently operating with a wastewater treatment plant that ranges from inadequate to dangerous. Water flowing into the Cascade Reservoir in Valley County, ID, has reached a dangerous level of phosphorus and algae. This level is much higher than what is considered healthy for both human recreation and sustaining wildlife. The plant must be upgraded, but the community needs Federal money to do it.

The most recent data indicates that high phosphorus contributions from the surrounding watershed have caused and will continue to cause significant deterioration of water quality in the reservoir. The situation is so bad in Cascade Reservoir that at one point, in 1994, fish were dying at a rate that was too fast for fish and game inspectors to count. The fish died because of the high water temperatures and low oxygen levels in the water caused by dramatic algae growth. In 1993, a severe outbreak of toxic blue-green algae caused the death of 23 cattle after they drank water from the reservoir. A public health advisory was issued advising the public to avoid contact with the reservoir.

The city of McCall is using an innovative approach to solving the dual problem of poor wastewater management and lack of irrigation water in the area. Wastewater from the facility will be used to provide much needed irrigation water to local farmers. The treated wastewater will provide phosphorus and nitrogen which are ordinary elements of fertilizer. This will reduce the need for farms to use chemical fertilizers, while at the same time cleaning up the reservoir.

This program is a prime example of how different levels of government can cooperate to benefit both the community and the environment. The cost of the project will be shared by the Idaho State Legislature, the Idaho Department of Environmental Quality, the city of McCall, and the local irrigation district.

Cascade Reservoir is a major recreation facility for the largest population base in the State of Idaho. Without this Federal assistance, quality of human life and survival of wildlife will be significantly impacted. In short, the \$2.5 million for the McCall Wastewater Treatment Facility is crucial to Idaho.

I am pleased that my colleagues on the Appropriations Committee recognized the urgency of this project and included an appropriation that will allow McCall to once again enjoy a clean and safe wastewater system.

WEST VALLEY DEMONSTRATION PROJECT

Mr. MOYNIHAN. Mr. President, I rise to note that the passage of the energy

and water appropriations bill brings us one step closer to the completion of the West Valley demonstration project in western New York. In 1982 we authorized the West Valley demonstration project, in which we would learn to take liquid nuclear waste and mix it with glass. The process is called vitrification, and yields ten foot high glass logs that can be stored safely. After 14 years of preparation, research, and testing, vitrification began last July. On May 28 the 100th glass log was produced.

The success of the vitrification process developed at West Valley and at Savannah River in Georgia led the Department of Energy to select it as the preferred method of disposal for such wastes. This is an accomplishment that the many hundreds of people in western New York who worked on the project can be most proud of.

They have another 110 logs to go at West Valley, but the method works. Through fiscal year 1997 we have spent \$1.2 billion on the project. The final amount in the bill for next year has not been determined, but it will bring the total over \$1.3 billion. This has been money well spent, and will continue to be. We have learned to dispose of one type of hazardous waste, and can dispose of others with the vitrification process.

JEFFORDS/BRYAN AMENDMENT TO S. 1004

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of the amendment offered by Senators JEFFORDS and BRYAN to bring solar and renewable energy funding levels closer to the administration request than was provided in the Appropriations Committee's bill. And, to clarify the importance of continuing Department of Energy support for solar thermal energy dish/engine systems.

The committee report proposes to disallow the continued deployment of additional dish/engine systems. Such a prohibition would stifle some very promising environmental technology and most probably break a cost-sharing agreement between the Department and Stirling Thermal Motors of Ann Arbor, MI. And, the language unfairly singles out solar dish/engine systems for elimination, even though competing and funded technologies are more mature and nearer to commercialization.

I urge my colleagues to accept this amendment so that precommercial research and development can continue on important solar technologies, including solar thermal dish/engine systems. These systems, including thermal motors, have great potential for providing cleaner and more efficient electrical power for all sectors of the economy, potentially including transportation.

Mr. DOMENICI. Mr. President, the Energy and Water Appropriations Act for the current year imposed a 9-percent reduction of the Department of Energy's Departmental Administration Account. That account funds the office

of the Secretary, Human Resources, and general counsel among other things.

However, in imposing that reduction, the Department did not impose any reductions in the Office of General Counsel. As a matter of fact, while other offices lost 40 or more people, the Office of General Counsel lost only 1 position.

In drafting its recommendation for departmental administration, the committee directed that the Office of General Counsel assume a reduction to bring its staffing levels back into balance with the rest of those in departmental administration.

The committee's recommendation did not take into consideration the fact that the Department has proposed to shift 19 lawyers, previously funded out of the Interior appropriations bill, into the account funded by this bill.

I have committed to the Secretary of Energy that, in the statement of managers accompanying the conference report, I will work to include language that clarifies our intent. I do believe that the Office of General Counsel should not be insulated from the reductions Congress wisely imposed last year. However, it was not our intent to impose overly harsh reductions.

Mr. REID. Mr. President, I join the chairman of the Subcommittee in this regard. I will work with him and our House colleagues in conference to ensure that any reduction in the Office of General Counsel is fair.

Mr. DOMENICI. I thank my colleague.

#### RENEWABLE ENERGY

Mr. JEFFORDS. I Mr. President, thank the chairman for his excellent work on the fiscal year 1998 energy and water appropriations measure. Senator DOMENICI clearly understands the importance of renewable energy to the future of this Nation. I wish to commend him for his dedication to the development of solar, wind, biomass, and other technologies that are vital to our Nation's energy interests. I know many of my colleagues join me in thanking him for his leadership in this area. I would merely like to clarify a couple of the provisions regarding renewable energy in the energy and water appropriations bill.

Mr. DOMENICI. I wish to thank the Senator for his kind comments.

Mr. JEFFORDS. The report language on wind energy research, development and deployment restricts support for small wind, when in fact the Department of Energy has several ongoing research activities in this area. Is it the intention of the Senate that these and other cost-shared programs currently conducted in collaboration with DOE, the national laboratories, and U.S. industry should not be continued?

Mr. DOMENICI. Mr. President, the answer is no. The energy and water development bill does not intend to impede research, development, and demonstration activities for small wind programs.

Mr. JEFFORDS. In addition, is it the Senator's understanding that the Solar

Thermal Power Program would receive an additional \$4.8 million from available funds? And if so, of this amount, \$3.8 million will be available for solar dish engine technologies and the remaining \$1 million will go to the solar industrial programs. This would bring the total solar thermal account to \$19.1 million.

Further, is it also the Senator's understanding that the solar international account will receive an additional \$2 million, bringing the total for this program to \$4 million. Is it also the Senator's understanding that the program allocation will be used in support of the Committee on Renewable Energy Commerce and Trade?

Mr. DOMENICI. That is correct.

Mr. JEFFORDS. I thank the Chairman.

#### CONSORTIUM FOR PLANT BIOTECHNOLOGY RESEARCH

Mr. DASCHLE. As a long-time supporter of domestically produced renewable fuels, I am very interested in encouraging the Department of Energy to do whatever it can to promote the development of new and more efficient processes for converting plant material into practical transportation fuels. It is my understanding that DOE consistently funds the Consortium for Plant Biotechnology Research—known as CPBR—although at levels below which it can use. The work of this consortium of university researchers has led to significant progress in more efficiently utilizing plants and plant waste for the production of renewable fuels and of bringing these research innovations to the market. It is my hope that DOE will be willing to fund CPBR at between \$2 and \$3 million in fiscal year 1998. Do you agree that DOE should give special consideration to funding CPBR at that level?

Mr. REID. Yes. I recognize how important the development of a strong domestic renewable fuels industry is to the Senator. Moreover, I agree that the work of CPBR has been very useful in developing new and more efficient ways to convert plant material to renewable fuels and commend DOE for its past support of CPBR. I would urge DOE, as part of its annual process to determine its priorities and funding awards, to seriously consider supporting CPBR at the levels you cite.

Mr. DOMENICI. I also recognize the valuable research performed by the CPBR and urge DOE to give it every consideration as it makes its fiscal year 1998 funding decisions.

#### RENEWABLE ENERGY DEMONSTRATION

Mr. LEAHY. Mr. President, I would like to take a moment to highlight a provision in the energy and water appropriations bill which could begin to address some of the energy generation problems facing very rural areas. The bill provides modest funding for the deployment of solar, wind, fuel cell, and biomass technologies in remote areas of the United States.

Producing and distributing power in rural areas is a challenge in and of itself. Distribution lines are often more

expensive and difficult to establish, and communities are often forced to rely on cheaper, but more polluting fuel sources. This demonstration will provide the resources to look at the effectiveness of less noxious, renewable energy technologies.

One application of this kind of demonstration which has come to my attention is a proposal in Vermont to replace polluting diesel engines with modern fuel cell technology for snow production. One of the last places you might think of air quality problems is in the mountains of Vermont. But in fact, four of the six largest sources of NO<sub>x</sub> emissions in the State are ski resorts which often use inefficient and dirty burning diesel engines to produce snow. Because of the remoteness of snow production facilities, other, cleaner commercial energy alternatives are not an option. This funding would allow States like Vermont to experiment with energy production technologies that can work efficiently while greatly reducing NO<sub>x</sub> and particulate matter emissions.

I would like to thank the Senator from New Mexico for funding this valuable initiative and ask for his comments on this possible application of fuel cell technology to the problem I have described in Vermont.

Mr. DOMENICI. Mr. President, I thank the Senator from Vermont and agree that this is exactly the kind of problem the subcommittee had in mind when proposing this demonstration. Remote areas of the United States do face unique energy production and distribution problems as the Senator from Vermont has aptly described. It is the committee's intention that the demonstration be directed to addressing these types of issues in rural areas.

MECKLENBURG COUNTY STREAMBANK  
STABILIZATION AND RESTORATION PROJECT

Mr. FAIRCLOTH. Mr. President, I rise to commend Senator DOMENICI on an excellent bill. We all realize that he and his staff have been overwhelmed by requests for this bill, in particular by U.S. Army Corps of Engineers project requests. I think I speak for all of us when I say that he has done an excellent job balancing out the requests. No one received all he or she requested, but I believe we have all been treated fairly.

In this vein, I want to comment on a very worthy project from Charlotte, NC, which was not able to be included in the bill, the Mecklenburg County streambank stabilization and restoration project.

I am informed that the House has allotted \$1 million for this very worthy project. When we go to conference, I look forward to working with Senator DOMENICI to ensure that the House appropriation for this matter remains in the final bill. The project is a good one, and seeks innovative methods of addressing problems of degradation of streams, pollution of surface waters, and flood protection. It also enjoys widespread support in the Charlotte area.

Mr. DOMENICI. I commend my colleague for bringing this worthy project to my attention, and also look forward to working with him on it during conference.

PROVISION FOR NUCLEAR ENERGY RESEARCH

Mr. CRAIG. Mr. President, I rise to address a provision of S. 1004, the appropriations bill for energy and water development for fiscal year 1998. I refer specifically to the President's request for a new initiative within the Department of Energy, called nuclear energy security. The bill before us contains no funding for this new initiative. I wish to address my colleagues on the reasons for the subcommittee's treatment of this initiative and the direction in which I believe the Department should focus its nuclear energy research and development program.

The committee report to accompany S. 1004 states that although the committee supports the use of nuclear energy to produce electricity, the Department's proposed program to address technical issues will have insufficient impact to justify the expense and therefore, no funding was provided. I am concerned that the Department of Energy will take the wrong message from this action.

It is my view, as a member of the Appropriations Committee and as a member of the Committee on Energy and Natural Resources, that this country needs a viable nuclear energy program—both for our energy security and for our national security. Recently, the President commissioned his Committee of Advisors on Science and Technology, Energy Research and Development Panel to study and report back on whether the United States should have a nuclear energy program and if so, what its goals should be both domestically and internationally. A lot of good work on this issue has been done, or is underway within the Department of Energy and the national laboratory complex. Specifically, Sandia National Laboratories, in New Mexico has contributed substantially.

While I won't delineate the findings at length at this time, let me just indicate to my colleagues, that the greatest minds that we have nationally to weigh in on this question have done so, and they believe that the failure to have a strong nuclear energy research and development program will diminish our national security, our economic competitiveness, and the public well-being. The bottom line is that as our primacy in nuclear R&D declines, we will lose our ability to participate on the world stage and to observe and understand the civilian nuclear programs of emerging nations.

For these reasons, it is my hope that the Department will continue to construct, and will propose as appropriate, a nuclear energy program that fulfills these goals.

Mr. KEMPTHORNE. Mr. President, I rise to add my voice to the statements made by my colleague, the senior Senator from Idaho. Through the invest-

ments already made at its national laboratory sites, such as the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory, the Department of Energy has a research capability of both personnel and facilities, which can ensure that the nuclear energy program of this country does not fall behind that of other nations. But we will only be assured of keeping a viable nuclear option in this country if DOE proposes and implements nuclear energy research programs to safeguard our position as a nuclear leader worldwide.

Mr. MURKOWSKI. Mr. President, I would like to add another voice to this discussion, and another point that has not yet been addressed. In May of this year, I wrote a letter to Mr. Daniel Reifsnyder of the U.S. Department of State, transmitting my comments on the Draft Second U.S. Climate Action Report. In this letter, dated May 15, 1997, I reminded Mr. Reifsnyder that nuclear energy is responsible for 89 percent of all the carbon dioxide emissions avoided by U.S. electric utilities between 1973 and 1995 and that over 1.9 billion metric tons of carbon emissions have been avoided in the United States alone through the use of nuclear energy. Nuclear energy has made and can continue to make tremendous contributions in avoiding carbon emissions. Although the contributions of nuclear energy appear to have gotten little acknowledgment in the U.S. Climate Action Report, if we look at what is happening internationally, we see that other countries have not failed to take notice of the nuclear option. Specifically, France and Japan continue their reliance on nuclear energy for substantial percentages of their energy needs, and China has ambitious plans for developing its civilian nuclear program. The failure of this country to take a long term view and invest in nuclear research and development has the potential to damage not only our own civilian program, but our ability to observe and influence the programs of other nations.

Mr. KYL. Mr. President, I wish to associate myself with the comments made by my colleagues regarding our need for a strong nuclear energy program. I agree that nuclear energy research and development enhance both our economic competitiveness on the civilian side and our national security by allowing us to participate as a full partner in the uses of nuclear energy worldwide.

Mr. FAIRCLOTH. Mr. President, I add my voice to those of my colleagues in calling for both a strong nuclear energy program at the Department of Energy and in calling for national attention to the need for nuclear energy to provide energy security to this Nation.

Mr. DOMENICI. Mr. President, let me thank all of my colleagues who have expressed their views on this important issue and let me add a final thought. As the Congress continues its consideration of de-regulation or restructuring

of the electric power industry, and the legislation already introduced in both bodies on that subject, I ask my colleagues to consider the contribution of nuclear energy, both as a safe and reliable source of power—part of our energy security—and its contribution in lowering emissions of greenhouse gases. If this country's nuclear plants are rendered uneconomic by the advent of competition in the electric industry, as some claim, we need to ask ourselves what will replace these plants. As cost estimates for decommissioning balloon out of control, we should be asking what technology investments DOE could be making to bring these estimates back in line with reality. A strong nuclear energy program is part of the answer.

## SEFOR

Mr. DOMENICI. Mr. President, I would like to engage the senior Senator from Arkansas in a colloquy.

Mr. BUMPERS. I would be pleased to join the subcommittee chairman in a colloquy.

Mr. DOMENICI. Mr. President, in last year's Energy and Water Development Act, a provision was included that directed the Department of Energy to determine if it has any legal obligation regarding the Southwest experimental fast oxide reactor [SEFOR] or any similar nuclear facilities that have been transferred from Federal to non-Federal ownership. The Department has completed a draft memorandum that indicates that the Department has no legal obligation regarding SEFOR.

However, the senior Senator from Arkansas' interest in SEFOR continues. Early today, an amendment to S. 1004 was accepted on behalf of the senior Senator from Arkansas that would provide for an assessment of the cost of decommissioning the Southwest experimental fast oxide reactor.

It is important to note that the acceptance of this amendment does not indicate that the Senate disagrees with the initial findings of the Department of Energy that the Department has no legal obligations with regard to the SEFOR. The interest of the Senate is simply to understand what the decommissioning costs of a reactor such as the SEFOR might be.

Mr. BUMPERS. Mr. President, I agree with my colleague, the chairman of the Subcommittee on Energy and Water Development. I don't think it would be appropriate for the Senate to take a position on the issue of liability. That is for the courts to decide.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, after consultation with the Democratic leader,

we can announce that this was the last vote for today. We are working on a unanimous-consent agreement that we think we will have no problem having agreement to. Basically, we would have the vote on final passage of the energy and water appropriations bill tomorrow after the first vote on the foreign ops bill. We don't know an exact time, but we presume some time after 11 o'clock or early afternoon. We are trying to accommodate Senators' schedules.

Momentarily, we will ask for that unanimous consent. That is the gist of the request we will make.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, before I propound this unanimous-consent request, I want to confirm again that we have discussed this with the minority leadership. Mr. President, I want to commend the good work and leadership we have seen today again by the chairman of the energy and Water Subcommittee of Appropriations. Senator DOMENICI has done an excellent job, with the able help of the Senator from Nevada. The fact that they have gotten this bill basically ready for final passage and that we will have the vote tomorrow morning is a real credit to the good work they have done.

I ask unanimous consent that the vote on final passage of the Energy and water appropriations bill occur immediately following the first vote tomorrow on or in relation to the foreign operations appropriations bill.

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

Mr. LOTT. Therefore, there will be no more votes this evening. It is my understanding that the managers will be able to wrap up the Energy and water appropriations amendments this evening, and the Senate will begin the foreign operations appropriations bill at 11 a.m. on Wednesday.

I yield the floor.

Mr. STEVENS. Mr. President, I, too, want to commend the subcommittee chairman and ranking member of the subcommittee. I also want to call to the attention of the Senate the fact that this harkens me back to the days when we had real bipartisan cooperation on the Appropriations Committee.

I want to thank all members of the committee for that cooperation, for showing what can be done when we work together and try to resolve issues and accommodate the needs of the various Senators and our individual States. These two Senators have done an excellent and admirable job today on a very difficult bill. I am confident that we will see that in final passage tomorrow.

Tomorrow, we will proceed to the foreign assistance bill. I hope we see a similar approach on that bill so that we can go forward and have the legislative bill before the Senate on Thursday.

Thank you, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COCHRAN. Mr. President, I congratulate the distinguished chairman of the Energy and Water Subcommittee for his work in bringing this bill to the Senate.

While I commend the chairman for his efforts, I have concerns about the trends in the funding levels that are being proposed for the Mississippi River and tributaries projects, particularly those in the Yazoo Basin of Mississippi.

The President's budget proposed a 20-percent reduction from last year's level for Mississippi River and tributaries construction projects. The budget also proposed cutting projects in the Yazoo Basin by over 50 percent. As the committee has indicated in its report that accompanies this bill, this reduction, along with others in operations and maintenance and investigations, is unacceptable.

Mr. President, Congress addresses flooding and other natural disasters as they occur around the country. The victims who have suffered damages derive benefits from supplemental disaster assistance legislation, as we saw just recently. This year, it was the Dakotas and other States. A few years ago, it was in the Midwest when the Missouri River flooded, and nearly every year, there is some degree of flooding in the Yazoo Basin in the State of Mississippi. The lower funding levels that are being proposed for projects to control flooding in the Yazoo Basin result in more delays, higher construction costs, and more damages occur year in and year out from floods in this region of the country. It will also result in increased spending on disaster assistance instead of funding long-term solutions to the flooding that occurs in this area. These delays will only increase the likelihood and the severity of flooding in the future and damages that result from those floods.

Incremental funding for these and many other Federal construction projects is a reality of the current budget environment. But incremental funding results in cost increases over the life of a project that has been authorized and that has been partially funded in the past. It will cost \$54 million as a result of even a ten-year funding cycle on the three main projects just in the Yazoo Basin alone—the Upper Yazoo project, the Upper Steele Bayou project, and the Big Sunflower River Maintenance project. That amounts to a 20 percent cost increase.

Mr. President, I will continue to work with the committee and the subcommittee to identify the levels of funding necessary to maintain project



schedules that are more realistic and more cost-effective in the future. I hope that we can reach agreement and convince the administration that it needs to recognize the inevitable consequences of these budget cuts that are, year-in and year-out, submitted to the Congress on these projects.

My friend from New Mexico has done an excellent job, a masterful job in dealing with all of these pressures and cross-currents of interests that flow to this committee and are involved in the development of this legislation. And so I am proud of the work product that he has produced, and we support it. I am voting for it. We hope that by working together we can continue to identify ways to assure adequate funding levels for these projects that have been authorized for a long, long time.

Read the book "Rising Tide," which talks about the beginning of the effort to get the Federal Government's resources involved in the Mississippi River and tributaries project. It is on the best-seller list now and I invite everyone to read that book. There are projects which I have identified in this project definition that are still not completed, and that flood was in 1927. We continue to, incrementally, piece-meal, see these projects increasing in real costs because of the failure to address them in a more aggressive way.

That is the point of my statement. People are beginning to wonder—are these projects ever going to be finished? They have a right to raise the question. If they are not finished, the flooding that occurs every year is going to continue to be an annual disaster for the folks in this region.

Mr. DOMENICI. Mr. President, might I say to the distinguished senior Senator from Mississippi, during the day, in your absence when you were busy attending that very difficult hearing that you are part of, I commented on the fact that one of the growing difficulties in this bill is the water project section, because every year more projects that are good and that are necessary—and many that we haven't completed—are showing up and we are not getting an allocation of resources sufficient to do them. What we have been doing is putting little pieces of money in. That is what you just called—that means, for instance, this year there are two major flood projects that we cannot start, that have been years in the design, that are ready to go. We just don't have the money to do it.

I was predicting today that in 3 or 4 years, if we don't find more resources for the water projects—because many people don't think they are very important, and we don't get much support from the White House on them, frankly. They are trying to change the formula right in the middle of the stream on who pays for what. If we don't get more resources, the situation you predict will become reality. I am going to do my best, but there isn't enough money to complete the projects we have been committed to with the kind

of allocation we get. I thank the Senator for his kind comments.

Mr. REID. Mr. President, if the chairman will yield. In response to the Senator from Mississippi and the Senator from New Mexico, these water projects are important because they save lives. Some of them are important—we tend to think that when they are written in the newspaper, they are projects that just look good at home and these are things people talk about as being pork. The fact of the matter is that we have projects in Nevada that have saved people's lives as a result of having them in the project. They have saved immense dollars in property that would have washed away. Even in an arid State like Nevada we have floods. They are not sustained floods like you have in other parts of the country, they are flash floods; but they can be very damaging to property and to people.

So I commend the Senator from Mississippi in focusing attention on these very important projects. The Senator from New Mexico and I have had to deal with these for the last 7 or 8 months. It is very difficult to decide which ones should get money and how much they should get. Every one of them—I should not say every one—the vast majority of them are extremely important, and it is too bad we can't fund them all because it would be good for the country.

#### PRIVILEGE OF THE FLOOR

Mr. DOMENICI. Mr. President, I ask unanimous consent that Scott Burnison, a detailee in my office and in the Budget Committee, be granted floor privileges during the remainder of this bill and for the conference report on it.

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

Mr. McCain addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCain. Mr. President, it is the third time in 2 days that I have come to the floor of the Senate to address the flawed practice of earmarking funding for local projects in appropriations bills.

I recognize the hard work that the managers of the bill have put into expeditiously moving this measure through the Senate. I thank them for their tireless efforts and appreciate that their jobs have not been easy.

But I must repeat a criticism I have made many times during consideration of appropriations bills and will continue to make as long as the practice of earmarking continues: This bill inappropriately and inequitably singles out projects for funding based on criteria other than national priority and necessity.

I recognize that the custom has long been to earmark all of the Army Corps of Engineers projects in the energy and water appropriations bills. I continue to find this practice, frankly, unnecessary if the projects are truly worthy of support and are of sufficient priority on a nationwide comparison. I hope we

can work together to find a better system of ensuring full and fair consideration of all proposed projects.

I believe that the States and the Army Corps of Engineers should develop a priority list based on national need. The projects on the priority list would then be funded in a lump sum appropriation. By employing such a priority list, we could end the practice of earmarking projects for funding based on political clout and focus our limited resources, instead, on those areas with the greatest need nationwide.

It is clear, however, that for many projects, earmarking is the only way to ensure the money is spent. Earmarking is particularly useful in ensuring that funds are spent for lower priority, unrequested projects for which Members of this body have sought appropriations.

This year, the energy and water appropriations bills and report contain more than \$300 million in earmarks for projects not included in the budget request.

I ask unanimous consent that a list of these unrequested earmarks be printed in the RECORD.

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

#### UNREQUESTED EARMARKS CONTAINED IN THE 1998 ENERGY AND WATER APPROPRIATIONS BILL AND COMMITTEE REPORT

Earmark	Bill or Report Cite
Norco Bluffs, California—\$200,000 .....	Bill, page 2.
Laulaulei, Hawaii—\$200,000 .....	Bill, page 2.
Barneget Inlet to Little Egg Inlet, New Jersey—\$400,000 .....	Bill, page 2.
Douglas Harbor, Alaska—\$100,000 .....	Report, page 10.
Kenai River, Alaska—\$100,000 .....	Report, page 10.
Matanuska River, Alaska—\$100,000 .....	Report, page 10.
Nome Harbor Improvements, Alaska—\$40,000 over budget request (obr) .....	Report, page 10, 23.
Port Lions Harbor, Alaska—\$100,000 .....	Report, page 10.
Seward Harbor, Alaska—\$75,000 obr .....	Report, page 10.
Ship Creek, Alaska—\$100,000 .....	Report, page 10.
Wrangell Harbor, Alaska—\$130,000 obr .....	Report, page 10.
Valdez Harbor, Alaska—\$100,000 .....	Report, page 10, 23.
White River to Newport, Arkansas—\$500,000 .....	Report, page 11, 23.
Bolinas Lagoon Ecosystem Restoration, California—\$510,000 obr .....	Report, page 11, 23.
Hamilton Airfield Wetland Restoration, California—\$100,000 .....	Report, page 11.
Sacramento and San Joaquin Rivers, Comprehensive Basin Study, California—\$500,000 .....	Report, page 12, 23.
San Diego Harbor, California—\$100,000 obr .....	Report, page 12.
Lido Key Beach, Florida—\$100,000 .....	Report, page 13.
Nassau County, Florida—\$150,000 obr .....	Report, page 13, 24.
Savannah River Basin Comprehensive, Georgia and South Carolina—\$300,000 .....	Report, page 14, 24.
Des Moines and Racoon Rivers, Iowa—\$100,000 .....	Report, page 14.
Licking River Watershed, Kentucky—\$500,000 .....	Report, page 15, 25.
Grand Isle and Vicinity, Louisiana—\$800,000 .....	Report, page 15, 25.
Kansas City, Missouri and Kansas—\$300,000 obr .....	Report, page 16, 25.
Townsend Inlet to Cape May Inlet, New Mexico—\$200,000 .....	Report, page 17.
Flushing Bay and Creek, New York—\$100,000 .....	Report, page 17.
Orchard Beach, Bronx, New York—\$300,000 .....	Report, page 17.
Grand Forks/East, Grand Forks, North Dakota and Minnesota—\$2,000,000 obr .....	Report, page 18, 25.
Grand Neosho River Basin, Oklahoma—\$500,000 .....	Report, page 18.
Tillamook Bay and Estuary, Oregon—\$100,000 .....	Report, page 18, 26.
Conemaugh River Basin, Pennsylvania—\$90,000 .....	Report, page 18.
Turtle Creek, Pennsylvania—\$300,000 .....	Report, page 18, 26.
Providence, Rhode Island (Fox Pt. Hurricane Barrier)—\$350,000 .....	Report, page 19.
Pawley's Island, South Carolina—\$100,000 .....	Report, page 19.
Packery Channel, Corpus Christi Bay, Texas—\$100,000 .....	Report, page 19, 26.
Rincon Canal, Corpus Christi Ship Channel, Texas—\$100,000 .....	Report, page 20, 27.
Sumerset and Seaborg Dams, Deerfield River, Vermont—\$100,000 .....	Report, page 20, 27.
Rapahannock River, Virginia (Embrey Dam Removal)—\$100,000 .....	Report, page 20.
London Locks and Dam, West Virginia—\$328,000 .....	Report, page 21.
West Virginia Statewide Flood Protect Plan—\$400,000 .....	Report, page 21.
Lock and Dam #24, Mississippi River, Illinois and Missouri—\$1,000,000 obr .....	Bill, page 3.
Arkansas River, Tucker Creek, Arkansas—\$300,000 .....	Report, page 31.
Red River Emergency Bank Protection, Arkansas—\$3,500,000 .....	Bill, page 3.

Earmark	Bill or Report Cite
Panama City Beaches, Florida—\$5,000,000 .....	Bill, page 3.
Levisa and Tug Forks and Upper Cumberland River, West Virginia—\$47,740,000 obr .....	Bill, pages 4–6.
Lake Ponchartrain, Storm Water Discharge, Louisiana—\$3,000,000 .....	Report, pages 37, 44.
Natchez Bluff, Mississippi—\$4,000,000 .....	Bill, page 4.
Jackson County, Mississippi (Water Supply)—\$3,000,000 .....	Bill, page 4.
Pearl River, Mississippi (Walkiah Bluff)—\$2,000,000 .....	Bill, page 4.
Wallisville Lake, Texas—\$10,000,000 .....	Bill, page 5.
Virginia Beach, Virginia (Hurricane Protection)—\$15,000,000 .....	Bill, page 5.
Virginia Beach, Virginia (Reimbursement)—\$925,000 .....	Report, page 29.
Cook Inlet, Alaska—\$3,945,000 .....	Report, page 29.
Chignik Harbor, Alaska—\$4,500,000 .....	Report, page 29, 39.
Dillingham, Alaska (Shoreline Erosion)—\$1,200,000 St. Paul Harbor, Alaska—\$6,638,000 .....	Report, page 29.
Los Angeles County Drainage Area, California—\$9,000,000 obr .....	Report, page 9.
Los Angeles Harbor, California—\$10,000,000 obr ... Lower Sacramento Area, Levee Reconstruction, California—\$2,000,000 obr .....	Report, page 29, 39.
Marysville/Yuba City, Levee Reconstruction, California—\$2,000,000 obr .....	Report, page 30, 39.
Merced County Streams, California—\$5,785,000 obr Mid-Valley Area, Levee Reconstruction, California—\$2,500,000 obr .....	Report, page 30.
Canaveral Harbor, Florida—\$1,000,000 obr .....	Report, page 30, 39.
Fort Pierce Beach, Florida—\$2,300,000 .....	Report, page 30, 40.
O'Hare Reservoir, Illinois—\$2,100,000 .....	Report, page 31, 40.
Wabash River, New Harmony, Indiana—\$500,000 ... Lake Ponchartrain and Vicinity, Louisiana (Hurricane Protection)—\$10,000,000 obr .....	Report, page 31.
Red River Waterway, Mississippi River to Shreveport, Louisiana—\$7,000,000 obr .....	Report, page 32.
Chesapeake Bay, Environmental Restoration and Project, Maryland, Virginia—\$1,000,000 .....	Report, page 32, 41.
Cumberland, Maryland—\$375,000 .....	Report, page 33.
Boston Harbor, Massachusetts—\$2,000,000 .....	Report, page 33.
St. Croix River, Stillwater, Minnesota—\$1,000,000 Marshall, Minnesota—\$1,000,000 obr .....	Report, page 33.
North Fork, Flathead River, Montana—\$50,000 Rampapo River at Oakland, New Jersey—\$2,723,000 obr .....	Report, page 33.
Acequias Irrigation System, New Mexico—\$400,000 obr .....	Report, page 34.
Las Cruces, New Mexico—\$2,700,000 obr .....	Report, page 34, 42.
Long Beach Island, New York—\$2,000,000 .....	Report, page 34.
Buford Trenton Irrigation District, North Dakota—\$3,000,000 .....	Report, page 35, 42.
Grays Landing Lock and Dam, Monongahela River, Pennsylvania—\$2,650,000 obr .....	Report, page 35.
Locks and Dams, 2, 3 and 4, Monongahela River, Pennsylvania—\$10,000,000 obr .....	Report, page 35.
Sims Bayou, Houston, Texas—\$3,410,000 obr .....	Report, page 36.
Little Dell Lake, Utah—\$1,000,000 .....	Report, page 36.
Lower Mud River, Milton, West Virginia—\$100,000 Lafarge Lake, Kickapoo River, Wisconsin—\$713,000 Morganza, Louisiana to the Gulf of Mexico—\$2,000,000 obr .....	Report, page 37.
Southeast Arkansas, Arkansas—\$500,000 .....	Report, page 37.
Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee—\$1,000,000 obr .....	Report, page 47, 50.
Atchafalaya Basin, Louisiana—\$3,000,000 obr .....	Report, page 47.
Backwater Less Rocky Bayou, Mississippi—\$500,000 obr .....	Report, page 47.
Demonstration Erosion Control, Mississippi (Yazoo Basin)—\$5,000,000 obr .....	Report, page 47, 50.
Upper Yazoo Projects, Mississippi—\$2,000,000 obr Channel Improvement, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee—\$5,000,000 obr .....	Report, page 48.
Atchafalaya Basin, Louisiana (Maintenance)—\$2,000,000 obr .....	Report, page 48.
Beverly Shores, Indiana—\$1,700,000 .....	Bill, page 8.
Black Warrior and Tombigee Rivers, Alabama—\$2,000,000 obr .....	Report, page 51.
Mobile Harbor, Alabama—\$3,000,000 obr .....	Report, page 51.
Perdido Pass Channel, Alabama—\$300,000 .....	Report, page 51.
Tennessee—Tombigee Waterway, Alabama and Mississippi—\$2,655,000 obr .....	Report, page 51.
Chena River Lakes, Alaska—\$800,000 obr .....	Report, page 51, 68.
Dequeen Lake, Arkansas—\$1,329,000 obr .....	Report, page 52.
Oakland Harbor, California—\$1,204,000 obr .....	Report, page 52.
Charlotte Harbor, Florida—\$2,750,000 .....	Report, page 53.
Apalachicola Chattahoochee and Flint Rivers, Georgia and Alabama—\$2,300,000 obr .....	Report, page 54.
Savannah Harbor, Georgia—\$5,000,000 obr .....	Report, page 54.
Kaskakia River Navigation, Illinois—\$490,000 obr ... Calcasieu River and Pass, Louisiana—\$200,000 obr .....	Report, page 54, 68.
Cohasset Harbor, Massachusetts—\$1,500,000 .....	Report, page 57.
Cedar River Harbor, Michigan—\$2,377,000 .....	Report, page 57, 68.
Clarence Cannon Dam and Mark Twain Lake, Missouri—\$850,000 obr .....	Report, page 58, 68.
Clearwater Lake, Missouri—\$350,000 obr .....	Report, page 58, 68.
Missouri National Recreational River, Nebraska—\$100,000 .....	Report, page 59.
Cheesequake Creek, New Jersey—\$1,500,000 .....	Report, page 59, 68.
Tuckerton Creek, New Jersey—\$650,000 .....	Report, page 59, 68.
Upper Rio Grande Water Operations Model, New Mexico—\$1,000,000 .....	Report, page 59, 68.
South Dakota and Nebraska BTID—\$750,000 .....	Report, page 60.
Garrison Dam, Lake Sakakawea, North Dakota—\$50,000 obr .....	Report, page 60, 69.
Missouri River Between Ft. Peck, Montana and Gavins Ft. Dam—\$750,000 .....	Report, page 61, 69.
Chetco River, Oregon—\$216,000 obr .....	Report, page 62.
Rogue River, Oregon—\$607,000 obr .....	Report, page 62, 69.
Charleston Harbor, South Carolina—\$900,000 obr ... Cooper River, Charleston Harbor, South Carolina—\$190,000 obr .....	Report, page 63.

Earmark	Bill or Report Cite
Georgetown Harbor, South Carolina—\$500,000 obr Town Creek, South Carolina—\$360,000 .....	Report, page 63.
James River, Jamestown and Pipestem Reserv., South Dakota—\$100,000 .....	Report, page 63.
Oahe Dam-Lake Oahe, South Dakota and North Dakota—\$300,000 obr .....	Report, page 64.
Connecticut River Basin, Vermont (Master Plan)—\$200,000 .....	Report, page 64, 69.
Rudee Inlet, Virginia—\$535,000 .....	Report, page 65, 69.
Willapa River and Harbor, Washington—\$3,000,000 obr .....	Report, page 65.
Bluestone Lake, West Virginia—\$575,000 obr .....	Report, page 66, 69.
Middle Rio Grande Project, New Mexico (Pena Blanca)—\$500,000 obr .....	Report, page 66, 70.
West Salt River Valley Water Management Study, Arizona—\$400,000 .....	Report, page 74, 81.
Central Valley Project, American River Division and Miscellaneous Projects, California—\$5,000,000 obr .....	Report, page 74.
Port Hueneme Brackish Water Reclamation Demo, California—\$2,000,000 .....	Report, page 75.
Equus Beds Groundwater Recharge, Kansas—\$500,000 .....	Report, page 76.
Ft. Peck Reservation MR&I Water System, Montana—\$240,000 .....	Report, page 76.
Ft. Peck Rural County Water System, Montana—\$300,000 .....	Report, page 76.
Newlands Project, Nevada—\$500,000 obr .....	Report, page 76, 81.
Las Vegas Shallow Aquifer Desalinization Demo, Nevada—\$3,750,000 .....	Report, page 76.
Walker River Basin, Nevada—\$300,000 .....	Report, page 77.
Albuquerque Wastewater Recycling, New Mexico—\$5,000,000 .....	Report, page 77.
Upper Rio Grande Conveyance Canal/Pipeline, New Mexico—\$400,000 .....	Report, page 77, 81.
San Juan Gallup-Navajo Pipeline, New Mexico—\$450,000 .....	Report, page 77, 81.
Santa Fe Water Reclamation/Reuse, New Mexico—\$500,000 .....	Report, page 77, 81.
Garrison Diversion Unit, North Dakota—\$7,500,000 obr .....	Report, page 77, 82.
Mid Dakota Rural Water Project, South Dakota—\$3,000,000 obr .....	Report, page 78.
Mini Wiconi Project, South Dakota—\$7,000,000 obr .....	Report, page 78.

Mr. McCAIN. Mr. President, we have no way of knowing whether all or part of this \$300 million should have been spent on different projects with greater national need and higher national priority. Earmarking funds for special interest projects is the most obvious form of pork barrel spending, and it is a waste of taxpayer dollars at a time when our national debt exceeds \$5.3 trillion. I believe that we should stop earmarking projects just because they serve the interests of Members of Congress.

I am also concerned that certain projects in the bill are funded "at full Federal expense," while others are not. No explanation is given. So I can only be left to wonder why.

For example, at page 6 of the bill, the Secretary of the Army is directed to "design and implement at full Federal expense" a project for the Tug Fork and Levisa basins in West Virginia and Kentucky. I might add that this funding "at full Federal expense" is for a project that receives a total of \$55.7 million in earmarked appropriations, which is \$47.7 million over the budget request.

What makes this project worthy of such a large add-on of \$47.7 million? Why should this project be funded solely by the Federal Government, or rather all the Federal taxpayers, while other projects require cost-sharing by the States and local governments and communities that stand to benefit from their construction? None of these answers are apparent to this Senator.

Finally, Mr. President, I am again, as I am on an annual basis, very disappointed to see that the Appalachian Regional Commission will be funded again this year. This commission was established as a temporary commission

in 1965—1965, 32 years ago. This program singles out one region for special economic development grants when the rest of the Nation has to rely on their share of community development block grants and loans.

Certainly the Appalachian Regional has no monopoly on poor, depressed communities in need of assistance. I know that in my own State, despite the high standard of living enjoyed in many areas, some communities are extremely poor and have long been without running water or sanitation. We need to reconsider the utility of the Appalachian Regional Commission in light of pressing needs in other areas of the country.

Mr. President, our current system of earmarking to fund unrequested, lower priority, and unnecessary projects is fundamentally flawed. I hope that someday we will develop a better system, one which allows the projects with the greatest national need to be funded first.

Mr. President, I noted recently a poll, as I have seen many of them, on the approval rate of Congress, which is about 40 percent. That is one of the highest numbers that I have seen recently.

Mr. President, there are a lot of reasons the Congress of the United States is held in low esteem, and it would take a long time to go through them. I did notice in that same poll that the approval rating of the President of the United States is 64 percent. I would argue, Mr. President, that one of the reasons we are held in low esteem by the American people—because they believe that we do not wisely and efficiently and on a basis of need and priority spend their tax dollars. And every time we pass an appropriations bill that has this kind of unnecessary and wasteful spending in it, which is no one's priority that I know of, nor go through any scrutiny or any process that would give them that priority, the esteem with which the American people hold us continues to be less. And I know that this practice has been going on for many years, and unfortunately and tragically paying on for many years in the future.

But I will continue to come to the floor, and where it is the most outrageous and egregious I will propose amendments to strike. Otherwise, I will point out those areas where I think that the spending practices of the appropriations process is not in the best interests of the entire Nation as a whole.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say with the greatest respect to my friend, who I consider one of the fine Members of this body, that we have worked very hard to make sure that there aren't some nameless, faceless bureaucrats making all of the decisions for this \$21 billion of discretionary spending in this bill. The separation of powers gives us

not only that right but that obligation. We have an obligation to maintain the power of the purse strings. That is what the legislative branch of Government was devised to do when the Framers of this Constitution established the Constitution.

Projects that are in this bill serve people, communities, and States. I say that I think it is really unfair to this body, to the taxpayers of this country, and to the people of the State of Arizona to say that those things that we have earmarked here are wasteful, pork-barrel projects.

For example, we have investigations going on with the Corps of Engineers in the State of Arizona that deal with significant projects. We have colonias along the United States-Mexican border, Arizona, and Texas. There we are spending \$100,000. Corps of Engineers: Gila River, North Scottsdale, AZ, \$400,000; Gila River, Santa Cruz River Basin, AZ, \$400,000; Rio De Flag, Flagstaff, AZ, \$325,000; Rio Salado Watershed Ecosystem, AZ, \$550,000; Tres Rios, AZ, \$400,000; Tucson Drainage Area, AZ, \$825,000.

We have for operations and maintenance, Corps of Engineers: Alamo Lake, AZ, \$1.55 million for inspection of completed works, Arizona, \$107,000; Painted Rock Dam, AZ, \$2.293 million; scheduling reservoir operations, Arizona, \$22,000; Whitlow Ranch Dam, AZ, \$199,000.

Mr. President, I think it is important that we made those decisions rather than some bureaucrat who the people of Arizona will never see, who would remain in an office back here someplace in Washington next to some computer rather than a human being. We made that decision along with many hundreds of thousands of hours of work by our staff.

I will not go into a lot more detail other than to say that appropriations for the Bureau of Reclamation is done very similarly. We have made decisions in this bill that were important to the people of the State of Arizona.

Yuma Area project is provided \$1.67 million in this bill; West Salt River Valley, water management study, \$475,000; Verde River Basin management study, Bureau of Reclamation, \$475,000.

I could go on for several more minutes reading off the things that this committee did in relation to the State of Arizona which were important decisions that we made. I think it is important that we make them. Again, I repeat, better that we make these decisions than some nameless, faceless bureaucrat who wouldn't even know where the State of Arizona is. The States of New Mexico and Nevada border on the State of Arizona. We feel an obligation to distribute this money in a way that we feel is fair.

So I have great respect for my friend from the State of Arizona, but on this issue I think he is wrong.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I don't seek to engage in argument with the distinguished Senator from Arizona. But I will say for the RECORD that I don't believe this bill and what is in it in any way contributes to what the people's image of Congress is. I think it is a very good bill. I think there is less earmarking than usual. And in fact most of it, if you look at it carefully, is probably something this body would approve of overwhelmingly.

Having said that, I compliment the Senator on his diligence, Senator MCCAIN, and for his continued hard work in this area. All of us are learning and being pushed by him to do a better job each time we appropriate the money that the taxpayers send up here for us to use.

Mr. President, we very soon will have a tender of seven amendments en bloc. That will wind up the amendments for this bill, and the only thing remaining then will be the final vote tomorrow as per the unanimous consent request which will follow after the first vote that occurs on the foreign operations bill. We will have a couple of minutes then, Senator REID and I, to make a few comments about those who have helped us and worked hardest with reference to this bill. Rather than to do that tonight, we will do that for a few minutes each tomorrow just prior to the vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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.

#### EXTERNAL REGULATION

Mr. MURKOWSKI. Mr. President, I would like to engage in a colloquy with the Senator from New Mexico regarding a section of the report accompanying the energy and water appropriations bill entitled "External Regulation." This section addresses DOE's ongoing evaluation of the question of whether DOE's nuclear facilities should be subject to regulation by the Nuclear Regulatory Commission. I would like to clarify that this section of the report is intended to allow DOE to gather quantitative and qualitative information on external regulation to serve as guidance to the authorizing committees as they address this issue in the future.

Mr. DOMENICI. I agree with the Senator from Alaska's reading of the language.

Mr. MURKOWSKI. I would like to further clarify that this language is not intended to endorse or accelerate the pace of external regulation, which should be the subject of hearings and legislative action on the part of the authorizing committees, and that the Senator will work with me to ensure that the statement of managers reflects this understanding.

Mr. DOMENICI. I agree with the Senator and agree to work with him on this as we move forward.

#### BUDGET IMPACT OF S. 1004

Mr. DOMENICI. Mr. President, S. 1004, the Energy and Water Development Appropriations Act, 1998, is within its allocation of budget authority and outlays.

The reported bill provides \$20.8 billion in budget authority and \$13.5 billion in new outlays to fund the civil programs of the Army Corps of Engineers, the Bureau of Reclamation, certain independent 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 \$20.9 billion in outlays.

For defense discretionary programs, the Senate-reported bill meets its allocation in budget authority and is \$2 million below in outlays. The bill also is below its nondefense discretionary allocation by \$46 million in budget authority and \$1 million in outlays.

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

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

S. 1004, ENERGY AND WATER APPROPRIATIONS, 1998—  
SPENDING COMPARISONS—SENATE-REPORTED BILL  
[Fiscal year 1998, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority .....	11,803	8,993			20,796
Outlays .....	11,995	8,885			20,880
Senate 602(b) allocation:					
Budget authority .....	11,803	9,039			20,842
Outlays .....	11,997	8,886			20,883
President's request:					
Budget authority .....	13,615	9,018			22,633
Outlays .....	11,813	8,856			20,669
House-passed bill:					
Budget authority .....					
Outlays .....					
Senate-Reported Bill Compared to—					
Senate 602(b) allocation:					
Budget authority .....		(46)			(46)
Outlays .....	(2)	(1)			(3)
President's request:					
Budget authority .....	(1,812)	(25)			(1,837)
Outlays .....	182	29			211
House-passed bill:					
Budget authority .....	11,803	8,993			20,796
Outlays .....	11,995	8,885			20,880

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

Mr. DOMENICI. Mr. President, I want to thank the distinguished chairman of the Committee, Senator STEVENS, in working to provide a sufficient budget allocation to this subcommittee to support the national defense activities, the basic science research activities, and the national infrastructure programs funded in this bill.

#### AMENDMENTS NUMBERED 869 THROUGH 875 EN BLOC

Mr. DOMENICI. Mr. President, I am going to send to the desk seven amendments and ask that they be considered en bloc and adopted en bloc.

I will state the amendments for the RECORD publicly, and then send the amendments to the desk.

Senator TORRICELLI and Senator LAUTENBERG regarding Green Brook; Senator KEMPTHORNE regarding fish friendly turbines; Senator BUMPERS regarding Ten and Fifteen Mile Bayou; Senators DASCHLE and JOHNSON regarding the Crow Creek rural water system; Senator LEVIN regarding the Great Lakes Basin; Senator MOSELEY-BRAUN regarding the McCook Reservoir; Senators DORGAN and CONRAD regarding Devils Lake.

I send the amendments en bloc to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 869 through 875 en bloc.

The amendments are as follows:

#### AMENDMENT NO. 869

(Purpose: To permanently prohibit the use of funds to carry out any plan for the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey)

On page 12, between lines 12 and 13, insert the following:

#### SEC. . GREEN BROOK SUB-BASIN FLOOD CONTROL PROJECT, NEW JERSEY.

No funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out any plan for, or otherwise construct, the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4119).

#### AMENDMENT NO. 870

(Purpose: To provide monies for the continuation of the cost-shared, fish-friendly turbine program)

On page 18, line 22, insert the following before the period: “: *Provided*, That \$1,500,000 of the funds appropriated herein may be used to continue the cost-shared, fish-friendly turbine program”.

#### AMENDMENT NO. 871

On page 9, line 12, insert the following before the period: “: *Provided further*, That, using funds appropriated in this act, the Secretary of the Army may construct the Ten and Fifteen Mile Bayou channel enlargement as an integral part of the work accomplished on the St. Francis Basis, Arkansas and Missouri Project, authorized by the Flood Control Act of 1950”.

#### AMENDMENT NO. 872

On page 15, line 10, insert the following before the period: “: *Provided further*, That the Secretary of the Interior may use \$185,000 of the funding appropriated herein for a feasibility study of alternatives for the Crow Creek Rural Water Supply System to meet the drinking water needs on the Crow Creek Sioux Indian Reservation”.

#### AMENDMENT NO. 873

(Purpose: To prohibit the use of funds made available under this Act by the Secretary of the Army to consider any application for a permit that, if granted, would result in the diversion of ground water from the Great Lakes Basin)

On page 12, between lines 12 and 13, insert the following:

#### SEC. 1 . GREAT LAKES BASIN.

No funds made available under this Act may be used by the Secretary of the Army to consider any application for a permit that, if granted, would result in the diversion of ground water from the Great Lakes Basin.

#### AMENDMENT NO. 874

On page 7, line 2, insert the following before the period: “: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall consider the recommendations of the Special Reevaluation Report for the McCook Reservoir as developed by the Corps of Engineers Chicago District”.

#### AMENDMENT NO. 875

(Purpose: To appropriate emergency funding for initiation of construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River)

On page 7, line 2, before the period, insert the following: “: *Provided further*, The Secretary of the Army, acting through the Chief of Engineers, may use up to \$5,000,000 of the funding appropriated herein to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, and that this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)); except that funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the ‘Boundary Waters Treaty of 1909’): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377), that addresses the

needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake”.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 869 through 875) en bloc were agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendments en bloc were agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I come back to the floor because, although I left the floor, I made the mistake of doing so.

The Senator from Nevada read a list of projects for which money is being appropriated for the State of Arizona. What the Senator from Nevada failed to note was that funding is exactly—and I look at it on page 11 of the bill—exactly that requested by the administration having gone through a merit-based system which then had the administration request funding on projects that had already been authorized.

That is a far different—a far, far different procedure, Mr. President, than that of the long list of earmarks that I submitted for the RECORD which have nothing to do with anything except or—let me put it this way in the most charitable fashion, Mr. President—that has no methodology nor any merit-based system that I know of that will call for the funding of these projects.

I also point out just for the RECORD that Arizona, with the agreement of the rest of the delegation, gave up \$4 million that the administration was going to spend on the Central Arizona project, gave up an additional \$4 million. So perhaps the Senator from Nevada did not understand what my point is. My point is that we certainly fund projects that are requested, that make a case for them, for which there is a merit-based system—not by computers but by judging them with other projects. I do not think the Senator from Nevada understood my point. I have no complaint about projects which the administration requests and they are funded. My complaint is about earmarking for projects including the Appalachian Regional Commission and other projects which I submitted a list of. They are two different things.

If the Senator from Nevada would agree that we will go through the same system that we went through in order to arrive at the funding for those projects he pointed out, there would be no Member as happy as this one—none in this body.

So I hope the Senator from Nevada would commit to the same process we

went through that achieved that funding for these projects he read off for the State of Arizona.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I am sorry the Senator from Arizona had to come back. Certainly as indicated on the RECORD, I only had positive things to say about the Senator from Arizona.

I do say—and he and I have a disagreement on how bills like this should come to be—I believe that we as a legislative branch of Government have an obligation to make independent decisions separate and apart from the administration. I do not feel I have any obligation to follow what the bureaucrats say we should appropriate.

The Senator from Arizona and I came to the Congress together. I have the greatest admiration for him, not only for what he has done in his professional life as a Member of Congress but, of course, what he did before he came here.

So it has nothing to do with how I feel about the Senator from Arizona. It has to do with the basic difference in what I feel is an obligation a Member of Congress has. It is a legitimate difference. It has nothing to do on a personal basis, and I will continue to work as hard as I can with the Senator on campaign finance reform and also to fund projects for the State of Arizona as a member of this subcommittee, as long as I am ranking member, in a fair and impartial way, getting direction from the bureaucrats but not following necessarily what they have to say.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. May I say I appreciate the words of the Senator from Nebraska—Nevada. I appreciate any from Nebraska, too. But I appreciate the words of the Senator from Nevada. He and I have been friends now since 1982 when we came to the House together. We have worked together on a variety of issues, including native American and many others. Our difference, as he states, is a philosophical one. I don't believe there is an orderly process that judges these projects on merit, and that is just a difference that we have had for many, many years.

I admire his adherence to what he believes is best not only for Nevada but for the country. I respect that, and I know that my words in criticism of this procedure have nothing to do with the enormous respect and affection that I have for him and the chairman of the subcommittee and the chairman of the Budget Committee, Senator DOMENICI.

I yield the floor.

Mr. DOMENICI. I thank the Senator very much.

#### MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent there now be a pe-

riod for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### CHRISTOPHER MEILI

Mr. D'AMATO. Mr. President, I thank the chairman and my good friend, Senator DOMENICI, and Senator REID for giving me this opportunity to address what I consider to be the acts of a courageous individual and the fact that the House today acted in a bipartisan manner, unanimously passing S. 768, a bill to give to Christopher Meili the opportunity to live in this country, and to say once again that America understands the courage exhibited by Christopher Meili in his extraordinary action in reporting and making public the destruction of documents in Switzerland at great peril to himself and to his family. He was ostracized for this act. He was threatened with death. His family, his two children, can no longer live in their own country. Once again, America has opened its heart and its doors.

The House, in an extraordinary act, has given him the opportunity to live here, to work here, to raise his family. Christopher Meili is a noble man whose actions ennobled all of us, and he has suffered greatly for his courage in exposing the truth. Now he simply desires to live in freedom here in America with his family, and now he can.

I spoke to Christopher earlier today and told him that the House of Representatives had completed action and that it had passed the legislation, and now it awaits the President's signature. I am certain that the President will continue the process of making possible Christopher's staying here in this country and giving to him the freedom that he yearns for himself and his family.

Mr. President, I commend those of my colleagues who, by way of their action in passing this legislation, have given Christopher an opportunity to live here in this country, and we once again demonstrate that we understand the extraordinary sacrifices that this young man made in the cause of freedom.

Mr. President, I yield the floor.

#### DEPARTMENT OF DEFENSE APPROPRIATION BILL FOR FISCAL YEAR 1998

Mr. MCCAIN. Mr. President, during the debate on S. 1005, the defense appropriations bill this morning, I expressed several concerns about section 8097 of that bill. While I appreciate Senator INOUE amending section 8097 to prohibit the use of Federal funds for the construction of the new cruise ships that would result from this pilot project. I still have serious concerns about the provision that would grant a 25-year monopoly in the Hawaii cruise ship market for the only cruise ship operator in Hawaii.

This legislative restriction on commerce is unprecedented and must not be granted. The existing U.S.-flag cruise ship operator in Hawaii is already protected from foreign competition by U.S. coastwise trade laws. That company has operated without statutory protection from domestic competition for more than a decade. There is no compelling reason to provide such protection now. I'm sure that many businesses would like to reduce their cost of capital to replace their infrastructure by convincing their lenders that their company is protected from any competition in its market. However, the Congress has not provided such protection in the past and we should not do so now.

I would also note that the provision provides a special waiver to the coastwise trade laws, which is somewhat extraordinary and should be examined for its fairness and appropriateness. While I am not a member of the Appropriations Committee I intend to vigorously pursue the modification of section 8097 to eliminate this egregious provision during the conference on S. 1005.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 15, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 768. An act for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committees on Appropriations, without amendment:

S. 1019. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105-47).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first