

This amendment restores balanced protection to the flag by allowing Congress to prohibit only the physical desecration of the flag, while retaining the full existing freedoms for oral and written speech.

Thus, a would-be flag burner would still be able to convey his particular message by speaking at a rally, writing to a newspaper, and voting at the ballot box. He would not, however, be able to burn a flag or to stuff a flag into a toilet, as has been done since the Johnson and Eichman decisions.

Nearly 80 percent of the American people and 49 state legislatures support the constitutional amendment to restore balanced protection to the American flag. By sending this amendment to the States for ratification, Congress would help restore traditional balanced protection for the flag while protecting the robust freedom of expression that Americans enjoyed when the Marines raised the flag over Iwo Jima and when Congress created Flag Day.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during consideration of S. 1186, the fiscal year 2000 energy and water development appropriations bill, Bob Perret, a fellow in my office, and Sue Fry, a detailer from the U.S. Army Corps of Engineers serving with the Energy and Water Development Subcommittee, be provided floor privileges.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1186, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1186) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

Mr. REID. Mr. President, I ask unanimous consent that all first-degree amendments in order to S. 1186 must be filed at the desk by 5 this evening.

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. Without objection, it is so ordered.

The Senator is recognized.

Mr. DOMENICI. Mr. President, I have a parliamentary inquiry: What is the subject matter before the Senate?

The PRESIDING OFFICER. The Senator is considering S. 1186.

Mr. DOMENICI. That is the energy and water appropriations bill.

Mr. President, I understand—is this correct—Senator REID has procured a unanimous consent agreement that all amendments will be filed to this bill by 5 this afternoon?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair.

Let me thank Senator REID very much for doing that. We have all been working to try to make sure that as this week fills up with other kinds of votes, on everything from Y2K to the lockbox and other things, we be given ample opportunity to get this bill passed.

We worked very hard under the leadership and direction of our chairman, Senator TED STEVENS, chairman of the full committee, to get this bill ready and to get it out here as soon as possible. This will be the second full Appropriations Committee bill that will be before the Senate. If it passes in the next few days, we will be on some kind of a record in terms of our ability to get a large number of the appropriation bills done in a very timely manner.

For that, I am grateful to the chairman and ranking member of the full committee for the amount of resources that were given to this committee. I will begin with an explanation of how we tried to respond to the allocation of resources.

First of all, this is an interesting bill, interesting in the sense that it is not very rational in that you have two things mixed that are about as far apart in the spectrum of prioritizing and need as you could get. All of the nuclear weapons research and development for all of our bombs and all of our safeguards and all of our great research is in this bill. That has been and is still defense work. It is work for the defense of our country. We get money for this because it is a defense function. When we had the walls up wherein you could not spend defense money for anything else, the money that came into this bill

for that purpose came right out of the defense total.

There is another piece of this bill that has to do with water and water resources, not as they relate to anything nuclear, just water and water resources, various inland waterways, various dams, various dikes, Corps of Engineers, Bureau of Reclamation, those kinds of activities, and a myriad of flood protection projects, because the Federal Government, over time, has been a major player with the States in a matching program with reference to flood protection.

Then sitting kind of in the middle but aligned with those water projects are things that the Department of Energy does that are not defense oriented. We call those the nondefense energy projects, research of various types that is not necessarily or even required to be related to the defense activities I have just described.

So in a very real sense, it is kind of comprehensive and a mix of various funding requirements of our country that do not mesh.

We started from the beginning saying there are certain resources that come to this committee from the full Appropriations Committee that are clearly for the purposes of the defense of our Nation. We have taken those resources and said that all of the resources we are getting from the Appropriations Committee which have historically been for defense will be used for defense only. To the best of our ability, we have not used any defense money; that is, defense nuclear money, and defense having safe weapons, the nuclear stockpile, the stewardship stockpile—we have used defense money for that—we have not in any case taken some of that money or any of that money and used it for water projects or used it for nondefense Department of Energy work.

I would like to keep it that way. I have no power of the Budget Committee or points of order to keep it that way, because we, in compromising, when we put the 5-year Balanced Budget Act together, bipartisan, and executive branch with the President, had walls between defense and nondefense for 3 years, and then it was discretionary for the last 2. We are in the last 2 now.

I have, nonetheless, with the assistance of my ranking member, kept defense money for defense programs and not put it into nondefense domestic energy programs or in water projects.

On nondefense energy projects—I will just mention one—there is an amendment pending to do more with solar and renewable energy. That is not a defense activity. We have done the best we could, but we have not used any defense money for that. I hope when we see the amendment, since one is going to be forthcoming, that they followed that pattern and have not taken it out of the defense activities, because with what we know about the world, with what we know about Russia and the

hard feelings that exist, what we know about the Chinese and their moving as quickly as they can toward a nuclear empire of their own with reference to weapons—and we have agreed that we are not going to do any underground testing whether or not we pass the treaty on nuclear testing or not; we have agreed not to do any—it is absolutely important and imperative we prove we can maintain our nuclear stockpile with adequate safeguards and that it is standing the test of time.

What we need to do that with is the new program called science-based stockpile stewardship. The occupant of the Chair is an expert in some of these areas and has worked long and hard in the House. I thank him for a lot of the help he gave in trying to reorganize the Department of Energy, which will continue to come up even after the Rudman report today. I am sure it will be before us again. I believe the occupant of the Chair, the distinguished Senator from Arizona, has constantly raised the question, Will stockpile stewardship work? Will science-based stockpile stewardship work? Will substituting computers and new kinds of systems that can take x ray-type pictures of what is going on inside one of our nuclear weapons, even far more sophisticated than that, that knows what is going on—that is the substitute for testing in an underground mode that we have done for many decades in getting our weapons to be the best and most safe in the world—if that isn't working, then obviously everybody has to rethink where we are with reference to underground testing.

So I don't want to shortchange science-based stockpile stewardship. There are three or four aspects of it that are very expensive—the development of certain buildings and certain technology. We are not finished with them yet. We are maybe halfway finished. We have about half more to go, including the gigantic, new process we are building at Lawrence Livermore National Laboratory, which has the initials NIF, National Ignition Facility.

The Senate is now considering Calendar No. 128, the Energy and Water Act for Fiscal Year 2000. As we begin, there is a technical error in the bill as reported by the committee. I will send to the desk, with the full understanding of my ranking member, a correction to that error. It has been cleared by both sides. I ask unanimous consent that, after I send it to the desk for reading, it be agreed to.

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

AMENDMENT NO. 625

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 625.

Mr. DOMENICI. 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 28, line 5, strike \$39,549,000 and insert: '\$28,000,000'.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 625) was agreed to.

Mr. DOMENICI. Mr. President, on June 2 the Committee on Appropriations reported Senate bill 1186, the Energy and Water Development Act for the year 2000.

As reported by the Appropriations Committee, the recommendation would provide \$21.2 billion in new budget authority, \$12.6 billion within defense, and \$8.6 billion within nondefense. In the defense accounts, that amounts to a \$220 million increase over the request; in the nondefense accounts—that is including the water project—it amounts to a \$608 million reduction from the request.

For the first time in memory, the recommendation before us provides less money for water projects than was requested. We have reduced some energy research, nondefense environment management, science, and the Department of Energy's administration accounts.

In fact, in order to accommodate some serious shortfalls in the President's request and some very legitimate requests from Members, we have cut a significant amount more than \$608 million that we are short from that request. For example, the recommendation before us restores the \$81 million for the Power Marketing Administration to provide power to their customers. That was left out of the President's request, and we had to cut other programs, above the \$608 million, to provide these funds.

As we have made these reductions, we have tried to follow certain criteria. In the water accounts, for example:

Where the President fully funded or provided advance appropriations for special projects, such as the Everglades, Columbia River Fish Migration, and the CALFED project, we have brought those programs back down in line with other accounts, but we have funded them.

Second, projects included in the budget at the capability level, in this year when we will not be able to fund projects at their full capability, have been reduced to no more than 85 percent of capability.

Third, items where the budget request was significantly increased over the current year's level of funding have been reduced to bring them back in line with the fiscal year 1999 levels.

We have not included unauthorized projects or projects contained in the water resources development bill, called WRDA 99, which is still in conference.

Finally, a significant amount of previously appropriated and unused fund-

ing has been used to finance the fiscal year 2000 program or recommended for rescission in order to save outlays.

Having said that, the recommendation for the U.S. Army Corps of Engineers is still at \$3.723 billion. That is \$182.6 million below the budget request and \$374.1 million below the fiscal year 1999 enacted level.

Moving on to the Bureau of Reclamation, the recommendation before the committee totals \$756.2 million. This is \$100 million below the budget request and \$24 million below the current year level. Within this account, the largest single reduction is from the request for the bay delta restoration Program, and we can go into more details on other projects.

From the Department of Energy's nondefense accounts, we have proposed—because we don't have sufficient money—some substantial reductions from the President's request.

For example, the recommendation for solar and renewable energy is \$348.9 million. That is \$3.4 million over the level the committee recommended a year ago, but it is less than the President asked for.

We have also gone through all of the DOE accounts and found \$41 million in unobligated balances from old projects and programs, and we have gone so far as to rescind \$1,000 from an old program that hasn't been around in years, to make those funds available for this act.

Within the defense allocation, we have been able to add some funds, because we were given a slight increase by the Appropriations Committee from that account. To the extent possible, we have tried to recognize the needs of Members with environmental management sites. We have provided increases at Savannah River and the Hanford site as well as Rocky Flats where DOE is on track to complete this cleanup by 2006. Let's hope we can stay on track and celebrate that event soon. I am well aware that more funds could be justified to increase the pace of cleanup at those sites, but we simply don't have the necessary resources.

Within weapons activities, we have begun a major realignment among the defense laboratories. As we have taken some nuclear weapons designs out of the stockpile, an imbalance has been created between Livermore and Los Alamos in my State. To ensure that balance is retained between them, we have transferred responsibility for one warhead design from Los Alamos to Lawrence Livermore. We have also expanded certain operations at the Nevada Test Site and initiated a microelectronics capability, a new technology which will make our weapons safer in the future, and at the same time may make some breakthroughs for American industry and for future uses that may bring microengineering and microelectronics into our everyday lives in a very big way.

The Defense Authorization Act was recently passed by the Senate, and the

Intelligence Authorization Act will come to the floor next week, perhaps. It is my hope that is where issues related to the Cox Commission report and allegations of espionage at our laboratories will be addressed. The recommendation before you does not include any broad effort in that regard. It is an appropriations bill, not an authorizing bill.

Now, obviously, I am hopeful that nobody will offer broad changes to the structure of DOE and moving toward better security within DOE. As I say, it is not an authorizing bill; it is an appropriations bill. The extent to which we can predict the action taken on the authorizing bill so far will necessitate funding in this regard. We have made some adjustments.

We have increased funding for security investigations from \$30 million to \$45 million. We have increased funding for counter-intelligence from the requested level of \$31 million to \$39 million—we are proposing to more than double the funding of \$15.6 million the Committee provided last year. Finally, because some have raised concerns about materials security, the recommendation provides an increase of \$10 million for physical security.

In summary, the recommendation before you is for \$21.2 billion, a reduction of \$380.8 million from the request.

It is our intention to work, if we have to, late tonight, but with the unanimous consent agreement that was entered into, obviously we will know by 5 o'clock the extent to which we will be working on the floor handling various amendments. We will be here all afternoon.

I personally urge colleagues on my side—I hope that Senator REID will urge his on his side—to bring any amendments they may have to the floor so we can consider them today.

It is my intention to shortly—after all amendments have been filed—act on a package of managers' amendments. We will not do that immediately. We will wait a while.

I yield the floor and turn the podium over to my distinguished ranking member, Senator REID. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the State of California has 35 million people. It is a State of great contrast. It is an agricultural producer, to say the least. It produces more agricultural products than any State in the Union. Yet it is also heavy into tourism. It is heavy into recreational endeavors, and also has these huge cities—Los Angeles, San Francisco, Sacramento, San Jose. It is very difficult to develop a balance between these various competing interests.

One of the things in this legislation that we have been asked to do is to step into this delicate balance. The California Bay Delta—or CALFED, as it is called—is a project that is going to have a tremendous impact on these competing interests in the State of California.

This program, as I have indicated, has environmental interests, urban interests, agricultural interests, and tourism interests. We have been asked as a subcommittee to provide hundreds of millions of dollars for the bay delta system, which provides potable water for two-thirds of this huge State.

I don't know the latest numbers, but California as a country would be the eighth largest country in the world. I think that is the number.

We have been asked in this subcommittee to step in and provide huge amounts of money for this bay delta project, which, as I have indicated, provides water for two-thirds of California's homes, businesses, and irrigation for more than 7 million acres of farmland.

Additionally, this system provides habitat for at least 120 different species of fish and wildlife. Some are already listed as threatened or endangered.

CALFED has been tasked with the development of long-term solutions for the complex system that we call bay delta, including certain water supplies, aging levees, and threatened water quality. Our bill has \$50 million for this project. This isn't enough. It needs more.

Those are some of the responsibilities that we have.

I say to my friend, the chairman of the full Budget Committee, and chairman of this subcommittee, the senior Senator from New Mexico, that we have worked hard on this bill. I appreciate his consideration on the issues that have been developed.

The problem is that with all 13 appropriations bills we simply just do not have enough money. This has been a very tough year. But we have worked within the constraints of what we have been given to come up with the best possible bill that we could.

I mentioned the California Bay Delta project as an example of how important this subcommittee is.

There are 13 subcommittees. We have already passed the defense appropriations bill. This will be the second bill, leaving 11 bills. I don't know what is going to happen in the future with all of the bills. Some of them are extremely difficult, if not impossible, to get passed.

The HUD-independent agencies is really a difficult bill with the 302(b) allocations that they have. The bill dealing with Health and Human Services is a very difficult bill dealing with issues that affect the health and safety of this country.

We, the senior Senator from New Mexico and I, cannot be prospective in nature about other subcommittees. We can only do the best we can with our subcommittee. We have done the very best we could with our subcommittee.

I support this bill. I have already indicated that we don't have enough money. But I would like to see anyone do a better job than we have done. It has taken tremendous amounts of our time, and, of course, the staff has

worked day and night for many weeks. If you look at the responsibilities that we have with this subcommittee, they are really significant.

The manager of the bill has talked about the Army Corps of Engineers. It is very important. It does things that only the Corps of Engineers can do.

Take the State of Nevada. The Corps of Engineers used to be very important for water projects. Now the Corps of Engineers, with the rapidly growing Las Vegas area, is extremely integral to developing a system so people do not drown, so they don't lose personal property when these floods hit this metropolitan area.

The Bureau of Reclamation in the early years in Nevada—it was the same all over the western part of the United States—was concerned about Boulder Dam and Hoover Dam. Now the Bureau of Reclamation has other responsibilities that are just as important.

The Department of Energy, the atomic energy defense activities, the Power Marketing Administration, the Federal Energy Regulatory Commission, the Appalachian Regional Commission, the Defense Nuclear Facilities Safety Board, the Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board, the Tennessee Valley Authority—these are the responsibilities that the senior Senator from New Mexico and I have with this bill.

Every one of these issues for the States in which the facilities are found will be most important as we deal with this bill this year.

We recognize how important this legislation is. There is no secret that the budget caps have a devastating effect on the Army Corps of Engineers and the Bureau of Reclamation. But that is the way it is. Water projects have an impact on communities around the United States.

The point I want to make is that with this bill people start to talk about pork. Try to explain to the people of the State of California, with 35 million people, where pork is involved in this CALFED project. Remember, it deals with competing interests, all of which support our bill.

The question is, Can we provide them with enough money to make sure this project stays on line?

This bill affects individuals and projects—people and States. It is important for their lives and for the safety and health of communities. The decisions that we have made have been extremely difficult decisions, because we realize that the decisions we make put people out of work, put people to work, and change priorities in different communities.

I have mentioned briefly the CALFED project. The State of Nevada is not much into dredging ports and harbors. The fact of the matter is that the two managers from the State of New Mexico and the State of Nevada have responsibilities to make sure there is appropriate money for dredging ports and harbors along both the

Atlantic and Pacific coastlines as well as the Gulf of Mexico. This is the project for the Corps of Engineers.

It is important on an annual basis for U.S. ports and harbors to handle hundreds of billions of dollars—approaching \$1 trillion—in international cargo, generating to this country and local and State entities over \$150 billion in tax revenues every year.

Even though the State of Nevada is basically a desert State, the State of New Mexico, while not as much desert as Nevada, is also a State that has its share of desert. This is important for us; it is important for the Senate; it is important for the country that we do what is right regarding dredging ports and harbors.

Navigational improvements in New York and New Jersey include things called the Arthur Kill Channel and the Howland Hook Marine Terminal project. This project includes deepening, widening, and selective realignments of the channel to allow deep draft container vessels access to this marine terminal.

This is an ongoing problem. Once you dredge a port, it doesn't mean you are not going to have to dredge it again. This is an ongoing problem, and this subcommittee is responsible for making sure that these ports can compete with the rest of the world.

The New Jersey and New York ports account for 34 percent of the Nation's trade in petroleum, automobiles, many food products, and import goods bound for all of the Northeast and upper Midwest, supporting nearly 170,000 jobs. When we cut back, when these ports are not dredged properly, when we do not do the things that need to be done to make sure these ports are capable of handling this cargo, people lose their jobs.

The ports of the Northeast are not alone. There are 25 ports around the coast of the United States that take in over 26 million tons of cargo annually. Fourteen of these ports have total trades of over \$50 million in cargo. That says a lot.

Continuing to maintain the ports and harbors requires a long-term commitment in the budget process, as does shoreline protection on which so many communities around the country rely. In the city of Virginia Beach, VA—I have never been to Virginia Beach, VA—this year we are attempting to fund a program at \$17 million because a hurricane hit Virginia Beach and almost destroyed the beach. The construction of Virginia Beach began 3 years ago. Benefits have already been realized because the damage from Hurricane Bonnie was minimal to the unfinished portions of the project. The project was not in the budget request sent to Congress, but a \$247 million project needs to be completed in a city that has invested over \$100 million in infrastructure over the last 5 years, and that has been matched by \$100 million in private investment. The Federal Government doesn't do all this all alone, but it should do its share.

Additionally, the U.S. Navy megaport, Naval Air Station Oceana, directly benefits from the project at Virginia Beach with its personnel increased by as many as 6,000 sailors and family members recently being transferred to the base.

I personally recently voted for the base closure amendment before this body. I did it because I think if we are going to save money, we are going to have to do some of the things the military says need to be done. The military has stated a large amount of money can be saved by eliminating bases around the world and certainly in the United States. One way we can do this is to make sure we take care of those businesses that we know are lasting in nature. Naval Air Station Oceana is one of those. As a result of the additional work there, which we participated in, we have had 6,000 additional sailors and family members transferred to that base.

Who would think that the Corps of Engineers would be involved in anything in Nebraska? There are a number of important projects in Nebraska. I could point to every State in the Union, although I have been somewhat selective. The Corps of Engineers has been given the responsibility of environmental restoration in various parts of the country, not the least of which is Nebraska.

One of the projects I want to discuss today is the Ponca State Park in Nebraska. This park lies on a 59-mile stretch of the Missouri River. We are spending a relatively small amount on Ponca, \$1 million, but it is very important. Education is a primary component of gaining support for additional environmental activities that people believe need to be done. Through efforts of Ponca State Park, the public will be able to understand the environmental and water management problems of the Missouri River basin and potential solutions to its problems.

The Corps is also playing an integral role in the multiagency effort to restore segments of the Missouri River to something resembling what Lewis and Clark saw as they searched for the Northwest River Passage, the Pacific Ocean.

Working with Senators, particularly BOB KERREY, the Corps expects to propose a plan this fall for managing the Missouri River with more emphasis in protecting native wildlife and their habitat and facilitating outdoor recreation, while not compromising traditional downstream uses of the river.

We need to also talk about Nevada. We have had Law Review articles written about this project in Nevada. There have been seminars held using the model we used in Nevada for how to solve water problems in the western part of the United States. President Bush signed a bill of his Presidency where we put to rest a 100-year water war between the States of California and Nevada in the Truckee and Carson Rivers. We settled problems that had

been outstanding for many years, including problems between two Indian tribes, and there were two endangered species involved—a wetlands had gone from 100,000 very nice acres of marshlands with all kinds of birds, fish, and other animals to about 1,000 very toxic acres where fish were all but dead and birds could no longer nest there.

We solved problems in the agricultural area, also, in the cities of Reno and Sparks. The reason I mention this, money for solving this problem for so many years came from the Bureau of Reclamation, the Corps of Engineers. We have put money in this project over the years and have generally resolved these issues that have been so difficult.

Remember, the Federal Government is not the only one involved. The State legislature this year appropriated \$4 million to help with some projects along the river; the private sector agreed to come up with \$3 million.

As I have indicated with the situation in Nevada, Nebraska, California, the port areas in New Jersey, New York, and Virginia, they are essential to the well-being—commercial well-being, the financial well-being, and the economic well-being—of this country. These are not projects in the sense that somebody is getting something for nothing. These projects are vital to the interests of the communities they serve.

I am very gratified with the work we have been able to do in this bill with so little money. There is much more that needs to be done and should be done. We don't have the money. However, we are doing so much good for the country in this legislation that it is important Members of the Senate and the American public understand how important this relatively small subcommittee is.

As the manager of the bill indicated, we not only deal with these programs which I have talked about that are nondefense in nature, but there are other nondefense programs that deal with our energy supply. We have been cut here. We are not going to be able to supply these programs, these alternate energy programs that I am such a strong believer in, unless money comes from the defense programs, which it should not. I think that would not be the right thing to do.

We have to have priorities and make decisions. Energy supply programs are reduced by \$12 million from the current year, and from within this program we fund science, such as fusion research which is conducted at universities and labs around the country. Also funded in energy supply are solar and renewable technologies, which I believe are a key to the future energy sources in our society.

For Members who say we should spend more on solar and renewable energies, what will we offset? It has to be offset. Finding an offset will be very difficult to do.

We all know how important it is to provide for a secure and cheap supply

of acceptable energy. For continued economic growth, the maintenance of our current business climate and global environment depend on cheap energy. The research and development investments in this bill are certainly far more meager than they should be but still focus on providing affordable and enduring energy supply. This bill provides funds to maintain our known and existing energy resources while aggressively investing in new technology options for future resource development.

I repeat for at least the third time that we were unable to do as much as we would have liked to do. We did the best we could under the allocation we were given.

I counsel my colleagues that with the allocation mandated, the framework which we determined for these funding levels, any amendments need to be reasonable in their approach to emphasizing one program over another. It is very tough to choose.

As to atomic energy defense activities, my friend, the manager of this bill, I think, did a very good job in pointing out why these programs today are so important. We know what is going on in the world is so important. We have a very fractured situation in the land that separates India and Pakistan—Kashmir. Two nuclear powers are looking at each other, threatening each other with war.

We had the situation with the Soviet Union, which has disintegrated, but Russia still has huge numbers of nuclear devices. We have to make sure our nuclear weapons are safe and reliable and that we have the ability to help the rest of the world with its nuclear weapons.

The atomic energy defense activities include, among other things, a number of very important national security programs. Maintenance of a safe, secure, and reliable nuclear weapons stockpile; support for and verification of global nonproliferation of nuclear weapons; support for and verification of nuclear international arms control agreements and domestic and foreign nuclear safeguards and security; technical analysis of nuclear intelligence information; and domestic environmental restoration and defense of nuclear waste management are all activities that are necessary in our conduct of the cold war and for other reasons. These activities are important because they are essential elements of our comprehensive national security strategy whereby we will deter any actual or possible adversary from relying on nuclear threats to our security interests.

The key ingredient of our strategy is to ensure the safety and reliability of our nuclear stockpile. The so-called science-based stockpile stewardship program has been developed and is supposed to provide that assurance. It is important that this new program is active and is making progress. But the critically needed facilities and capabilities are still being developed. Some of them are still concepts. So it is

critically important we stay the course and maintain the necessary funding to allow this program to succeed.

We have no choice, literally. To not allow this to happen would set us back significantly. Let's assume we found a problem with one of our nuclear warheads. How are we going to test this? What are we going to do? We can no longer take it to the underground caverns in Nevada, the underground tunnels or shafts in Nevada, and set it off. We need the greatest minds in the world to be able to tell us what we can do to make sure these weapons systems are safe and reliable. At the same time, we must continue making investments directed at containing and reducing the international threat of nuclear proliferation. Success here, also, is vital.

It is just as important to reduce the expense, the burden, and risk of maintaining a stockpile of weapons that is far larger than necessary. I am convinced all the elements of the Department of Energy's defense activities will provide for our security, now and in the future, more effectively and with less cost than will be the case if any one of these activities is reduced. By reducing moneys here, the costs in the outyears will increase tremendously. So I recommend this bill to my colleagues.

This bill provides for national needs and addresses regional, interstate, and local concerns as well, ranging from nondefense energy and water interests to the highest priority maintenance of international peace and security.

So I hope, as we proceed through this bill, we keep our eye on the prize, what this subcommittee is all about. It is about making sure the ports and harbors of this country are able to handle the goods and commerce that come here. It is making sure urban areas are now safe from flooding. It is making sure the Bureau of Reclamation is allowed to continue its projects so water supplies are good—good in the sense of being plentiful, and good in the sense of being pure.

I end this statement where I started. Using the State of California as an example, 35 million people are depending on this bill. They are depending on it because two-thirds of their water comes from a project we have in this bill. It meets the inconsistent but very vital demands of the agricultural interests, the recreational interests, environmental interests, and urban interests of this huge State.

I hope we can move through here without a lot of mischievous amendments, move to the merits of this legislation, and complete it as quickly as possible.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I commend Senator REID for his comprehensive statement. I tell him and the Senate how pleased I am that I have a ranking member who understands the importance of the work of the Department of Energy in our nuclear weapons

development, maintenance, and safe-keeping, because sometimes it is rather lonely.

Many people fail to understand the relationship between not having any more underground testing and the decision to have a new science-based stockpile stewardship of nuclear weapons. Without underground testing, with various scientific approaches and new kinds of scientific instrumentation, we are going to produce the atmosphere and environment surrounding what would have taken place in a real underground test, and we will be able to say what is happening to our nuclear weapons—their safety, well-being, maintenance, and reliability.

That is a big undertaking. For those who come to the floor regularly and eloquently urge we put plenty of money in our defenses, it is high time they understand we have to put plenty of money into this area because, although the regular military of our primary military adversary in the world is getting depleted and its strength is being greatly diminished, the country remains a huge owner and developer of nuclear weapons. They do not build their weapons as we build our weapons. They are far less sophisticated. That is their choice. We chose another approach. Our approach requires we regularly understand what is going on in the wear and tear and longevity of our nuclear weapons as they stand ready, continuing to be the great deterrent they are. That has a fancy name. My good friend from Nevada explained it very well. It is tied inextricably to our decision not to do any underground testing.

Frankly, there are some in this body, including the occupant of the Chair, who are not quite sure we should have abandoned underground testing, and there are some who maintain we ought to do science-based stockpile stewardship and nuclear testing. I heard Dr. Schlesinger testify about that at a committee hearing. Perhaps Senator KYL has heard them say that. The policy of our country is not to do that. It is to substitute for nuclear testing, scientific knowledge, and scientific technology, first simulating and then acquiring information regarding the reliability of nuclear weapons—a huge undertaking.

Our scientists approached it with great trepidation. There are still some great nuclear scientists who are not sure it is sufficient and who are not sure at some point we will not have to go back and think it all through again. But for now, three basic laboratories are doing this. One of the lead laboratories is Lawrence Livermore, with reference to a great big project called the National Ignition Facility. Los Alamos has a piece of it, both in computer technology and in a new building and new instrumentation called the DARP program. And Sandia, the engineering part of our laboratory structure, is heavily engaged in developing the kind of computer capacity to do the simulating and make sure we are getting

the right answers in these new, sophisticated tests of the validity and consistency and well-being of nuclear weapons.

That is all in this bill. So Senators who are worried about defense should know a big portion of this bill is defense, unless they perceive we now live in a world when we can have defense all in the defense appropriation bill, all those subjects, and not have a nuclear deterrent and a nuclear maintenance function within our Nation's priorities.

If some feel that, then this is not defense. But who would dare say that to the American people? Who would even suggest we ought to be underfunding this kind of activity?

Frankly, the Senator from New Mexico was greatly concerned upon hearing, in the last 3, 4, 5 months, so much about the lack of security because clearly I do not want, nor should the Senate, that fear and that concern to have an impact on the maintenance of the scientific effort that we all know we have to do so long as we will not and do not intend to test any of our weapons, either old or new.

This is a good bipartisan bill. This is a bill that has had a lot of input from Senator HARRY REID. Of that I am proud. He has listened to our concerns; we have listened to his. There are many Senators' States that have projects in this bill that are very important to them on that side of the aisle and on this side of the aisle.

I believe we are going to have less money to spend, and I say this to all the Senators. We are going to have less money for this bill. Even if we wait around until the end of the year and think we can make some kind of deal with the President, we are going to have less money in this bill than we had last year. That is just the way it has to be under the Balanced Budget Act. I think we have done a good job in allocating that money, which is short, to the various functions of Government within this bill. We have not short-changed our defense preparedness, as it pertains to nuclear weapons, in the process.

I understand that my friend, Senator REID, concurs with this unanimous consent request I will propound.

UNANIMOUS CONSENT AGREEMENT

Mr. President, I ask unanimous consent that when the Senate receives from the House the companion bill to S. 1186, the Senate immediately proceed to consideration thereof; that all after the enacting clause be stricken and the text of S. 1186, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; and that the foregoing occur without any intervening action or debate.

I further ask unanimous consent that the bill, S. 1186, not be engrossed and it

remain at the desk pending receipt of the House companion bill; and that upon passage of the House bill, as amended, the passage of S. 1186 be vitiated and the bill be indefinitely postponed.

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

AMENDMENT NO. 628

Mr. DOMENICI. Mr. President, I send a technical amendment to the desk. It is clearly technical, and I ask it be adopted.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 628.

On page 12, line 24, insert the following after the figure "204":

"of the Water Resources Development Act of 1986, as amended (Public Law 99-662); section 206"

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendment be set aside, and that we move on to other business, leaving it pending.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, I have sought recognition to discuss with the managers of this bill a matter relating to the 1992 Water Resources Development Act which authorizes the construction of flood protection facilities along the Lackawanna River in Olyphant and Scranton.

I can personally attest to the serious situation, because when the flooding occurred, I went there one Saturday night late to see the ravage of that water problem and have been there on quite a number of occasions, to know firsthand the very severe problem which is involved there.

The appropriated account has \$42 million, and this bill removes some \$25 million from that account. I know that the \$17 million remaining will be sufficient to take care of the expenditures for the next fiscal year which amount to some \$6 million, leaving \$11 million in the account.

I want to discuss with the distinguished chairman of the subcommittee a couple of factors.

One is if my representation is correct that the \$17 million left in the account will be more than enough to take care of the expenditure line for the next fiscal year.

The second question I want to be sure about is that there will be adequate funding to complete this project so that when the schedule arises that we need all of the \$42 million, or whatever

the amount is, that we will have the cooperation of the Appropriations Subcommittee, the distinguished chairman, and the distinguished ranking member in providing that funding, up to \$42 million, which it has now. I understand the plight the chairman is under because 302(b) allocations are not sufficient. I have seen that firsthand. I chair the Subcommittee on Labor, Health and Human Services and Education, and we are unable to go to a markup with the figure we have because of the very tight restrictions.

The second aspect is, I am looking for the assurance that the remainder of the \$42 million will be appropriated when the need arises to meet the ensuing fiscal year requirements of the Army Corps of Engineers.

The third factor that I want to be sure about on the record is that there could be an analysis which will segregate this flood control into three projects.

There you start, again, to get into the complexities of the cost-benefit ratio. But as it has been structured very carefully, the arrangement, in its present form, as a unit, satisfies the cost-benefit relationship. There are a lot of concerns and a lot of battles about that. But we are, as a unit, covered under that cost-benefit ratio.

I want to be cooperative, obviously, with the chairman as he is moving through this bill. I understand, as I say, the need for taking some of these funds for other projects, but if the chairman would respond to those three inquiries to be sure my constituents will have the adequacy of the funding. I know Senator SANTORUM, who could not be here at the moment, has a similar concern. Congressman SHERWOOD has a similar concern. We have all been very close to this issue and the very important constituent interest involved here.

I direct those questions to my colleague from New Mexico.

Mr. DOMENICI. I say to the Senator, may I suggest the absence of a quorum for a moment and make an inquiry of my staff, and then I will return and answer all these questions.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, in discussing the issue related to the 1992 Water Resources Development Act on the Lackawanna River in Olyphant and Scranton, it is obvious that my first preference, the delegation's first preference, is to have the \$25 million restored.

We have a second program in south-central Pennsylvania, the Environmental Improvements Program, where \$20 million has been rescinded. This is

in line with a large sequence of rescissions which have been put into effect by the subcommittee under the same problem where there is simply insufficient money on 302(b) allocations. Again, I understand that, because I have the problem on the appropriations subcommittee which I chair.

I am advised that the \$20 million rescission as to south-central Pennsylvania can be worked out in the House, and all of this is subject to compromise in the House, where we may have a larger figure for this subcommittee. So it is possible that the \$25 million for the Scranton-Olyphant projects may be restored fully as well as the \$20 million for south-central Pennsylvania.

Before this bill is closed out, I want to be absolutely sure that we are protecting these projects so that whatever funding they need for the next fiscal year will be provided. That is the context in which I have made the request to the distinguished manager.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I thank Senator SPECTER for raising this issue and suggest to him that the same issue has been raised by his distinguished colleague, the junior Senator from Pennsylvania, Mr. SANTORUM. Senator SPECTER and I have been speaking about that the last few minutes.

Let me say, in answer to the questions that the Senator asked with reference to the Lackawanna project, I will answer them as best I can, maybe not in the same order in which they were asked, but I believe I will answer all of them.

First, we have had to go through this bill and where we found unfunded obligations that were not going to be needed for a substantial period of time, in some instances well beyond a year, and that the project or projects would continue at full pace exactly as planned, we have decided, since we have some desperate projects that are not going to get any money, to move the money around, but that does not mean we do not intend to fully fund the project. If you will note in my remarks, I said we are not funding any unauthorized projects. The projects in Pennsylvania, including the one I just mentioned, are authorized and proceeding. They do not need any work by any other committee. They are ongoing.

All I can do is give you assurance that there is no intention to take these projects off of their natural course of completion. That is what the Corps says we need each year and can spend each year, and there will be \$17 million left in this account, only \$6 million of which is needed for the year 2000. Nobody should be concerned about that project not proceeding at full speed ahead.

I can assure you that is what I have been informed. I believe that is what you would have in a letter from the Corps, if you wanted it. I can further commit to you that we continue each

year with these water projects, and clearly we always have substantial amounts of money.

Last year, the President very much underfunded projects. We had to find money to fund them. This year, because the nondefense portion of this bill is squeezed some and because the President cut some things we can't cut, we have had to squeeze some of these other accounts, some in the manner we are discussing. But there is no reason to be concerned about the projects getting funded. As a matter of fact, we may find ourselves in conference with the House, which would make available more money for the water projects because of the way they will fund things. It may very well be that they won't want to do it this way, that they want to save money some other way. We will work on that.

If, before we are finished here on the floor, this was unsatisfactory for any reason that you or Senator SANTORUM or you together find, I will be willing to discuss it again and see what we could do to assure you that these projects are going to be fully funded.

In reference to the fact that last year three projects were put together in a technical manner but in a manner that is acceptable in terms of analyzing the benefits versus the costs, sometimes called a cost-benefit ratio, that has been done. There is no change in this bill. They fit together, and they are evaluated together, and they meet the criteria. There is no effort on the part of the Appropriations Committee I chair that I am aware of that would want to change that so as to demean in priority and effectiveness one versus the other two or two versus one or the like.

I do not know if we can do anything more to be sure of that than what I am telling you now and what is in the law as it is now. Somebody would have to change it, not just come along and say we are not going to do it. They would have to change something. You would know; I would know. Everybody in Pennsylvania would know. It would not be easy to do.

Mr. SPECTER. I thank my distinguished colleague for those assurances. I am glad to hear, with respect to these three projects joined together, that they are being viewed as one integrated whole so that they do satisfy the requirements of the cost-benefit ratio, and further, that the rescissions on the two Pennsylvania projects, as to the Lackawanna River in Olyphant and Scranton and also the south-central Pennsylvania rescission, that those projects will move forward with sufficient funding, as Senator DOMENICI has pointed out, \$17 million being left in the Lackawanna River project for Olyphant and Scranton and only \$6 million needed in the next fiscal year. If it is possible, as Senator DOMENICI and Senator REID work through the bill, to increase the funding, to eliminate the rescissions, that certainly would be appreciated.

I think on this state of the record, these projects are protected. I will await further developments as we move through the bill to see if some of those funds might be restored and even the \$25 million not rescinded.

I thank Senator DOMENICI and I thank the Chair. I thank my colleague from Massachusetts for waiting until we finish this item of business.

Mr. DOMENICI. I thank the Senator.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

WORK INCENTIVES IMPROVEMENT ACT

Mr. KENNEDY. Mr. President, as all of us understand, we are considering a very important appropriations bill. The floor managers, Senator DOMENICI and Senator REID, have a responsibility to see that we meet the responsibilities of the Senate and the appropriations procedures by making sure this legislation is considered and that Members have an opportunity to address it and move towards conclusion. I respect that, and I have great respect and friendship for the two Members.

I rise today to raise an issue which is not related to the underlying measure but is related to a very significant issue that is affecting many individuals across this country, and that is the issue of whether we are going to free members of our community, referred to as the disability community, who are facing some physical or mental challenge, whether or not we are going to free them from the kinds of governmental policies that discourage them from employment but really, beyond employment, from living a full and constructive and positive and independent existence, which I think all of us want to be able to achieve.

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

Mr. KENNEDY. Yes.

Mr. DOMENICI. Mr. President, I know the bill. I am a cosponsor. I hope it gets passed soon this year. I understand you are going to file a bill but not call it up because meetings are taking place and we will want to pursue those.

Mr. KENNEDY. The Senator is correct. I have talked to the majority leader today, as well as our own leaders, Senator DOMENICI and Senator REID, and Senator GRAMM of Texas, who had effectively put a hold on the legislation and had indicated that request, that we file the legislation so it would conform to the request of the floor managers. It would be at the desk.

It is at least my impression that, given the agenda that has been announced by the majority leader, we would not conclude this legislation today and we will be moving on to the Y2K, and what they call the Social Security lockbox, later in the week, and we would have an opportunity and a good-faith effort to see if there could