

what is going on here in the Congress as of this moment, first, on tax reform measures that the Republicans have proposed, call them what you may. Of course, the distinguished Senator, minority leader, chooses to call them so-called marriage penalty reform.

Between 35 and 45 million American couples are affected by that bill. Affected how? Their taxes will go down for no other reason than we will eliminate a penalty currently imposed just because they are married. Whether we have some other people covered in it or not, let me suggest we know what it will cost in 5 years. We know what it will cost in 10 years to the Treasury if we give back a little bit of money to the married couples in America who are getting taxed extra just because they are married.

What else did we pass? We passed a 10-year phase-in of the death tax. Surely those on the other side know that by definition the only people who pay a death tax—that is, a tax on death—are people who have accumulated some assets. So they could all be called rich. Essentially, the current law of America says if, after your mother and father have worked their whole lives and have acquired four drugstores and own a house and have invested in a piece of property, if that ends up being \$10 million—I am speaking to Americans who might have worked 40 years—right now the Government can take as much as 65 percent of it upon their death.

That is the question. Is that right? Does America want that? Or should we ask our President to sign a bill that phases that out over 10 years?

I happen to have looked at numbers to see how they relate one to another in this budget process. My estimates are as follows: Both of those taxes combined cannot be risky to America.

Why can't they be? Because they amount to somewhere between 10 percent and 12 percent of the surplus—10 percent to 12 percent of the surplus, the non-Social Security surplus which is \$3.4 trillion.

The same people who say that is risky have on the table at least five new programs that will spend more of the surplus than those two tax cuts. Are those programs therefore risky, because they spend more of the Federal surplus than these two tax reform measures? No. But neither are the tax cuts, just because they are tax reform measures. They are not risky just because they give people back some of their money. To those on the other side and the Vice President, who is running for President, they must be risky because they give back to the American people some real tax reform money.

If we want to go on to debate whether the Vice President even has a plan to give Americans back any of their tax money, we can do that at any time. I am not on the tax writing committee, but I will volunteer. I will be here. And I can tell you right up front, very little of what the President proposes goes to taxpayers for tax relief. Almost all of

it goes to Americans whom the Vice President chooses to give back money, by way of just giving them a check that matches or exceeds their own money, in a huge way. The largest transfer of wealth that we probably have ever seen is tucked away in what the Vice President calls tax cuts for the American people.

Read the Washington Post editorial of 4 days ago. While they are quick to criticize Republicans, they have a very good paragraph in the middle of their editorial saying: Mr. Vice President, Democrats, why do you insist on telling the taxpayers, including middle income taxpayers, how they should spend the tax dollars you want to give them back? The Washington Post says: If you want to give them a tax cut give them a tax cut. They don't do that. They create some new targeted programs. If you want to use them, you have to use it for college tuition. If you want to use it, you have to use it for this, that, or the other.

Question: Don't some Americans have more concern about how to use it and where to use it, and would do that right, rather than to have the Government do that for you while making the Tax Code more complicated and claiming they are giving you tax relief?

Frankly, I could answer many more of the questions but I will just do the issues raised by the minority leader, and I will only address one.

The President of the United States has never attempted to seriously do a bipartisan Medicare prescription bill—never. He has sent us his own, but never has negotiated with Republicans. The one time we had a bipartisan committee, since you required a supermajority, he pulled his support so it would not have a supermajority—yet it had a majority, bipartisan, for a major reform and prescription drug bill. So one of the reasons most of the things not getting done are not getting done is because they have become so partisan that the other side of the aisle says, "Our way or no way." The President says, "My way or no way." The Vice President says, "I am running for President and here is what I propose. It will be that way or no way."

That is what the American people will find out, I hope, as we debate these issues in an effort in the next 5 weeks to resolve many of them. And I hope we do.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The bill clerk read the title as follows:

A bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent—and this has been approved by the other side—that the committee amendment to H.R. 4733 be adopted and that the bill as amended be considered as original text for the purpose of further amendments, provided that no points of order are waived by this request.

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

Mr. DOMENICI. Mr. President, the Committee on Appropriations favorably reported H.R. 4733 by a vote of 28 to 0 on Tuesday, July 18.

Senator REID and I have worked very hard this year to put together a fair bill under extremely difficult circumstances. As reported by the committee, the recommendation would provide \$22.470 billion in new budget authority for fiscal year 2001. That total is broken out between a defense allocation that is pretty good, and a non-defense allocation that is extremely limited.

The Defense BA allocation is \$13.484 billion. That is \$400 million over the President's request and \$1.384 billion over last year. The committee requested the additional money to address some very serious needs in the nuclear weapons complex, defense environmental clean-up, and in ongoing international nonproliferation programs.

However, the BA allocation on the non-defense side of the bill is much more difficult—it provides \$8.986 billion, which is \$603 million below the President's request and \$73 million below the current year level.

In order to accommodate some serious shortfalls in the President's request, and some very legitimate requests from Members, we have had to cut a significant amount more than the \$603 million we are short from the request.

The allocation has also forced the committee to make very difficult choices, and we have tried to do that on as fair a basis as possible. We have followed certain criteria. In the water accounts for example:

No. 1, we have tried to focus available funding, to the greatest extent possible, to ongoing studies and construction projects.

No. 2, we have included no new construction starts or new initiatives in fiscal year 2001, and only a very limited number of new studies or planning projects.

No. 3, we have not included unauthorized projects or water and sewer infrastructure projects contained in the Water Resources Development Act of 1999.

No. 4, numerous projects budgeted at or near the Corps' capability have been reduced in order to pick-up funds for congressional priorities and to restore funding not requested by the administration for flood control and inland navigation projects.

No. 5, given these constraints, we have been limited to accommodating

only the highest priority requests of Members where possible.

Having said that, the recommendation for the U.S. Army Corps of Engineers totals \$4.104 billion. This is \$41 million above the budget request and \$22 million below the FY 2000 enacted level. The following is a highlight of the recommendation of the Corps Budget for FY 2000:

General Investigations totals \$139 million, down \$23 million below the current year.

Construction General totals \$1.361 billion, down \$24 million below the current year.

Operation and Maintenance totals \$1.862 billion which is \$8 million over the current year.

Moving on to the Bureau of Reclamation, the recommendation before the committee totals \$753 million. This is \$48 million below the budget request and \$13 million below the current year level. The recommendation includes:

Six hundred and fifty-five million dollars for Water and Related Resources which includes both construction and operation and maintenance of Bureau projects. This is \$50 million over the current year level.

None of the \$60 million requested for the California Bay-Delta Restoration program is provided in the bill, as the authorization for this program expires in fiscal year 2000.

Thirty-eight million dollars for the Central Valley Project Restoration Fund a reduction of \$4 million from the current year.

For the Department of Energy's non-defense accounts, we have proposed some substantial reductions from the President's request. However, in many cases, those reductions appear large only because the President proposed large increases we will not be able to accommodate, given our non-defense allocation.

In other accounts such as Nuclear Energy R&D, the administration request was 4 percent below current year. Therefore, the committee has tried to balance the Department's research efforts by providing reasonable increases to these important research efforts.

For the Science programs at the Department of Energy, the committee recommends \$2.870 billion, an increase of \$82 million over last year, but still \$292 million below the request.

Over half of the total proposed increase to Science was in one construction project, the Spallation Neutron Source in Tennessee. The committee strongly supports this project and has provided \$240 million, an increase of \$140 million over current year.

The allocation forced the committee into some very difficult decisions regarding many otherwise outstanding programs and initiatives under the Office of Science. For example, although the committee has traditionally provided strong support to High Energy Physics, Nuclear Physics and Fusion Energy, all are funded at below last year's level.

Within the defense allocation, we have been able to add significant funds to some very pressing problems.

Within Weapons Activities, the committee has provided \$4.883 billion, an increase of \$244 million over the budget request. The committee is very concerned about the state of the science based Stockpile Stewardship Program. As it is now, the program is not on schedule, given the current budget, to develop the tools, technologies and skill-base to refurbish our weapons and certify them for the stockpile. For example, we are behind schedule and over cost on the production of both pits and secondaries for our nuclear weapons. The committee has provided significant increases to these areas.

Furthermore, DOE has failed to keep good modern facilities and our production complex is in a terrible state of disrepair. To address these problems, the mark provides an increase of over \$100 million for the production plants in Texas, Missouri, Tennessee, and South Carolina.

But it is not just the physical infrastructure that is deteriorating within the weapons complex, morale among the scientists at the three weapons laboratories is at an all-time low. For example, the last two years at Los Alamos have witnessed security problems that greatly damaged the trust relationship between the government and its scientists. Additionally, research funds have been cut and punitive restrictions on travel imposed.

As a result, the labs are having great difficulty recruiting and retaining America's greatest scientists. To help address this problem, the bill has increased the travel cap from \$150 million to \$200 million, and increased Laboratory Directed Research and Development. And I intend to offer additional amendments to increase LDRD and travel.

For security, the committee recommends \$336 million for the Department's security office, an increase of \$213 million over last year. This is in addition to the \$45 million for increased Cyber Security that was just enacted as part of the fiscal year 2000 Supplemental. In addition, the committee has made sure General Gordon, as the new head of the NNSA, will have the resources and the authority to take care of security throughout the weapons complex.

The Department has experienced tremendous difficulty in constructing its special experimental and computational facilities within budget and within schedule. The National Ignition Facility is only the most recent example, and on that issue, Senator REID and I have agreed to recommend at this time only the \$74 million requested by the administration, recognizing that much more money will be required this year if this project is to continue.

Regarding accelerator production of tritium, the committee has combined that with other programs to begin an exciting new program called Advanced

Accelerator Applications. The committee recommendation includes \$60 million to continue the important work on a back-up tritium source for defense purposes, but will also fund important work on accelerator transmutation of waste and other accelerator applications.

The committee continues its strong tradition of support for nuclear non-proliferation issues. We recommend \$909 million, an increase of \$43 million over the request, and \$180 million more than last year.

For Defense Environmental Management, the committee recommends \$6.042 billion, a \$326 million increase over last year. To the extent possible, we have tried to address the needs of Members with environmental management sites. We have provided increases at Savannah River and the Hanford site, and provided additional funds for environmental science and technology research at Idaho and other labs.

In summary, the recommendation before you is for \$22.47 billion, a reduction of \$225 million from the request. Within that amount, non-defense programs are reduced \$603 million while defense accounts increase \$400 million. This is going to be a difficult year, but I look forward to consideration by the full Senate.

It is our intention to work hard over the next few evenings to complete work on the bill. It is my intention to seek a unanimous consent that all amendments be filed by noon on Wednesday. We will be here all evening, and I urge my colleagues to bring any amendments they may have to the floor so we can consider them. It is my intention, shortly after all amendments have been filed, to act on a package of managers amendments.

Before I yield back, I would like to thank Chairman STEVENS for the strong support he has given to the energy and water bill, particularly on the defense funding side. I would also like to thank my ranking member, senator REID, for all the effort he has put forth in working together on this bill.

Mr. JEFFORDS. Mr. President, I wonder if the Senator from New Mexico will allow me to add a glowing statement about the bill he is about to speak to?

Mr. DOMENICI. I would be pleased to do that even if it were not glowing but, since it is, I am delighted.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to praise the managers of this bill for their commitment to renewable energy. I particularly want to thank Senator HARRY REID for his leadership in bringing additional funding to advance the cause of clean energy in this nation.

Earlier this year the Senate renewable energy caucus, led by Senators ROTH, BINGAMAN, ALLARD and myself, sent a letter to the bill managers asking that they put the U.S. Senate on

record in support of wind, solar, biomass, geothermal and other renewable energy resources.

Mr. President, 54 of our colleagues signed that letter and they should know that the bill before us today boosts funding for renewable energy by \$87 million over last years levels. This is a great achievement. And unlike in past years, I come to the Senate floor without the annual renewable energy funding amendment but with what will hopefully be an annual effort praising the managers of this bill.

We thank you Senator REID for your vision and commitment to reducing this nation's reliance on foreign oil and advancing our investment in clean, domestic energy resources.

This increase puts our country back onto the path of a sustainable energy policy.

In recent years, the U.S. trade deficit has soared. The number one contributor to the trade deficit is imported foreign oil—and its contribution has reached record levels.

Since the oil embargo of 1973–74, imports of foreign oil have risen from a little over 30 percent to 55 percent, and will hit 65 percent in a decade. By then, most of the world's oil will come from potentially unstable Persian Gulf nations.

These imports account for over \$60 billion. That is more than 36 percent of the U.S. trade deficit. These are U.S. dollars being shipped overseas to the Middle East when they could be put to better use here at home.

In 1976, myself and a number of freshmen Members of the House of Representatives proposed such a provision and nearly passed it to the exact same 10 percent. Unfortunately, that failed. But at that time we, a number of us working together, did start the wind energy program, which is now blossoming, with Vermont being the leader in that field, and also, with a very good amendment I was able to get on, we started, really, the solar voltaic program at that particular time. During the period since that time, a couple of times we have come very close to putting into a mandatory situation where we would decrease the consumption of oil by 10 percent through renewables.

Now we are on our way, finally. Hopefully, this bill will pass.

We are lowering our balance of payments.

We are providing an invaluable insurance policy to enhance our national security.

And we are protecting our environmental and reducing air pollution.

Federal support for renewable energy research and development has been a major success story in the United States. Costs have declined, reliability has improved, and a growing domestic industry has been born.

Through this boost in the renewables budget, we are building upon our successes. We are helping to develop industries which reduce our trade deficit and boost national security. We are

helping farmers, ranchers, rural communities, and small businesses.

The 54 Senators who signed this letter—and in particular—Senator REID, deserve a great deal of credit for protecting the environment, promoting job growth, and advancing America's future.

Again, I thank the two sponsors of the bill, Senators REID and DOMENICI. I praise them for their efforts and helping in any way possible. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I can respond before the Senator from Vermont leaves the floor, this has been a very difficult issue for Senator DOMENICI and me for a number of years. We acknowledge the leadership of the Senator from Vermont on this issue. But for him, we probably would not be in the position we are now. I appreciate his nice words and recognize his leadership on this issue over the many years.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the distinguished Senator from Nevada, Mr. REID, for what he has said, and I echo the compliments. I think the Senator from Vermont understands the delicate position we are in this year in that the nondefense portion of this appropriations bill is inadequate to cover the nondefense research and water projects we ought to be covering in the bill.

I believe when we were able to almost match the Senator's and his cosponsors' request on solar and wind, they understand we are hopeful when we get to conference of getting some additional money from the budget and the appropriators for the nondefense portion of this bill which will make it easier for us to keep this and hold it all the way through. I have been sure and careful to explain that to the Senator from Vermont. I am sure he is aware of it. I wanted to put it in the RECORD.

Mr. JEFFORDS. Mr. President, if the Senator will yield, I agree with him 100 percent, and I am going to do all I can to assist him.

Mr. DOMENICI. Mr. President, while Senators are going to talk about projects, programs, activities, and amendments to add \$5 million here or \$7 million there, I want to break this appropriations bill into two parts—I wish I had it on a chart, and maybe I will have it the next time we are on this bill—so that when anybody offers an amendment that costs money, if it is in the nondefense part, whatever it is for, maybe some science research, maybe a water project that we did not fund, maybe operation and maintenance for some part of the Mississippi, a levy system, we are going to try to show you where we are really hurting for money is the nondefense part of this budget, the water projects and the nondefense science.

As a matter of fact, the allocation is about \$604 million below the President's request in the nondefense part of

this appropriations bill. That is \$73 million less than last year's appropriations. It is not a question only of not being able to meet the President's request. We are, in essence, below last year's appropriated number, which many people say isn't realistic unless you are prepared to take some programs out of the Department—and we can hardly do that. That is a negative \$73 million.

Fortunately, on the defense side, we have talked our way through all these different hurdles of how much defense money is available, and I am very appreciative of the fact that through the efforts of our chairman of the Appropriations Committee, the appropriators who spend defense money—that is the big defense bill, the smaller bill on military construction and a very small bill on Commerce that spends some money on defense—they have left, as part of the increase, sufficient money to cover the defense in this bill, which is \$13.5 billion.

I regret to say the problem we have is when we go to the House, we have to raise the House's number because they are about \$600 million below us on the defense side of their bill. It is a difficult problem.

I do believe the allocation that both chairmen of the House and Senate Appropriations Committees are going to ultimately come up with will make us whole at the Senate level on defense. I just explained why. The money is there, and I hope before this is over, we will convince everyone we are in an area where we have to be very concerned how much money we are spending on the defense side because the morale and capability of our National Laboratories to maintain our nuclear weapons activities is getting very close as to whether it can continue in a manner we have expected over the years.

When somebody says it is only \$7 million and I need it for a levy and I need to start a program even though we said no new starts, I want to keep in front of everybody that we are \$604 million below the President on nondefense, and the House is \$600 million below ours on defense, and we are \$500 million higher than the President's on defense. Those will be put up here for everybody to see.

If anybody wants an interpretation of what is in this bill, I tried very hard in a nonpartisan way to explain it in my earlier statement. I have given full credit to the magic of bipartisanship when it comes to writing a bill like this. We have to try to work together. Maintaining our nuclear capacity through science and research and nonproliferation should not be a partisan issue. Thanks to Senator REID, it is not. There are a few disagreements he and I have. We will iron them out on the floor.

I want to make sure everybody understands that right now, this day, 5 weeks before the new fiscal year, the nuclear defense laboratories, which essentially are made up of a piece of the

National Laboratory in Tennessee called Oak Ridge, called Y-12, plus Los Alamos National Laboratory, Sandia National Laboratories in Albuquerque and Livermore, and Lawrence Livermore National Laboratory, are the laboratories that maintain our nuclear weapons activities that measure the performance and ability of our nuclear weapons, and their safety and reliability.

Right now, they are fragile because the morale is low. Throughout this short debate, I will keep mentioning to Senators that we better be careful with reference to the scientists who have done the big defense work who we must retain at these laboratories to perfect our Stockpile Stewardship Program, which allows no weapons testing while we are still going to protect the reliability of our weapons. We need to retain the old heads who have done this work for so long. At Los Alamos there are about 40 of them who are in the X division, including NEST or the Nuclear Emergency Search Team.

Their morale is very low because, my colleagues will recall, that is the area where that hard drive was found behind a machine, and they did not know how it got there. They have now been under investigation for 14 weeks. Fourteen weeks is a long time to have the very best scientists in the world who have maintained our nuclear capacity, some of them for 30 years, some for 25, some more 40, under investigation. We do not want them to leave the laboratories, and we want to attract the best new scientists to follow in their footsteps and have them educated by the other scientists. We are not succeeding at either.

The new recruits of the very best scientists are at an all-time low, and that is measurable. In other words, we know how many scientists we invited to work and how many accepted. I will put that in the RECORD. It is very low compared to 5 years ago. We also know how many are planning to leave, and it is very high compared to other years.

Everybody knows I have a parochial interest. At least they would assume that. If one of my colleagues had a laboratory like Los Alamos in his or her State, I say to any Senator, I assume they would be concerned about it. If they had a Sandia National Laboratory, which is the engineering laboratory for nuclear weapons, I assume they would be concerned.

I am concerned, and I have to try to convince the Senate that we have to put back some money in terms of morale builders, and we have to start telling those great scientists that they have done a wonderful job for America.

So something got messed up. If you can't prove there is spying or espionage, pretty soon you ought to get off their backs and you ought to say to them: We are going to fix this administratively.

I could go on tonight and tell you how we are going to do that because we have a new administrative approach to

running the nuclear weapons activities of America. We have a great man, General Gordon, heading it. Give him a chance. Give him a chance to restructure. At the same time, let somebody who knows their problems lead this effort. He is about as knowledgeable as anyone we could get to head the NNSA, the National Nuclear Security Administration. It is hard to remember that name, but it will not be hard in a couple years because this general is going to make sure we know about it.

He is already showing some real leadership in terms of our understanding what NNSA is. It is the entire package of activities for our nuclear safety as far as our weapons and nonproliferation. We know he is going to fix this morale issue if we give him a chance.

For now we have to be very careful. For instance, the House limits their travel again, even lower than the President recommends. Does it ever occur to anyone that the great scientists travel? Was that ever an astonishing conclusion? If you did not know it, let me tell you: Great scientists travel. They love to go to conventions and conferences to share ideas. And if you say to a young crop of the best scientists in America: Come and work at Los Alamos, but you had better remember that you can only make one trip a year—well, what they are telling us already is: Hey, I have a company that doesn't limit me. They are offering me some stock options. They want me to come.

Pay isn't a problem. We pay our scientists pretty well at these laboratories, as a matter of fact. I must tell you, if they like their work they will stay there.

So my concern is a very serious one. We could not do what I think we must do and live with the House number on defense in this bill. We are \$600 million higher than the House. We tell the Senate that with much pride because you have to give these laboratories what they need.

Let me give you just one area. The National Laboratory structure, with reference to nuclear weapons, is in need of an entire new, let's say, 10-year plan for rebuilding ancient buildings. I use the word "ancient" because some of them are so old that if you could apply the historic preservation statutes in the State of New Mexico, some of them would be untouchable because they are too old. That is how old they are. I do not want to tell you how old. But it is not very old to be labeled "old" anymore if you are a building.

But we started a plan. We started an approach for \$100 million in this bill, to start some of that—for lack of a better word, we will call it infrastructure. But it is buildings; it is equipment. We must go on beyond that for a few years and get the nuclear weapons complex, so to speak, built up or decide we are going to have an inferior one. We would not be able to tell Americans the best people work there.

The best brainpower of America is devoted to making sure our nuclear

weapons are right and safe. As we lower the numbers—which we are going to be doing; that, we can all say—even with lower numbers, we know what we are doing. We do not have to have tests because we know they are safe.

If we do not, I am going to support people who come to the floor and say: Let's start testing again. Have no doubt about it. We voted in the Mark Hatfield amendment to start a moratorium. We are doing it unilaterally. They are saying: Why don't we sign the treaty? We are not doing any testing by statute right now.

So these great scientists have to substitute brainpower and equipment for what underground testing used to give them, with information about the adequacy, the safety, the reliability.

Now we have to do it by computers, by new machines, new, fantastic x-ray machines that look inside bombs. We had better have the very best people in America working there, wouldn't you think? I would.

My distinguished friend from Nevada wants to speak.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Nevada.

MR. REID. It is my understanding the Senator from Maine wishes to make a relatively short statement. I do not want to impose upon her time because we have to be here anyway.

I believe the Senator from New Mexico wishes to be recognized.

MR. DOMENICI. I had indicated I wanted to send an amendment to the desk so we have one pending.

AMENDMENT NO. 4032

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 assistant legislative clerk read as follows:

The Senator from New Mexico [MR. DOMENICI] proposes an amendment numbered 4032.

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:

Starting on page 64, line 24, strike all through page 66, line 7.

MR. DOMENICI. The amendment removes from the bill an environmental provision that I had put in there prior to a successful discussion of the issues and termination of the issues temporarily in the State of New Mexico. So I do not need the amendment. Senator REID knows about it. That is what this amendment is.

MR. REID. The amendment is pending; is that right?

THE PRESIDING OFFICER. The amendment is pending.

MR. REID. Mr. President, I ask unanimous consent that the amendment be set aside so the Senator from Maine can speak.

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

The Senator from Maine.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 4033

Mr. SCHUMER. Mr. President, I thank the Senator from New Mexico, the Senator from Nevada, and most particularly, the Senator from Maine for helping arrange time so she and I can discuss the amendment that we are about to send to the desk. I request its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Ms. COLLINS, proposes an amendment numbered 4033.

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

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

The amendment is as follows:

On page 93, between lines 7 and 8, insert the following:

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 4. ~~PRESIDENTIAL ENERGY COMMISSION.~~

(a) FINDINGS.—Congress finds that—

(1) crude oil and natural gas account for two-thirds of America's energy consumption;

(2) in May 2000, United States natural gas stocks totaled 1,450 billion cubic feet, 36 percent below the normal natural gas inventory of 2,281 billion cubic feet;

(3) in July 2000, United States crude oil inventories totaled 298,000,000 barrels, 11 percent below the 24-year average of 334,000,000 barrels;

(4) in June 2000, distillate fuel (heating oil and diesel fuel) inventories totaled 103,700,000 barrels, 26 percent below the 24-year average of 140,000,000 barrels;

(5) combined shortages in inventories of natural gas, crude oil, and distillate stocks, coupled with steady or increased demand, could cause supply and price shocks that would likely have a severe impact on consumers and the economy; and

(6) energy supply is a critical national security issue.

(b) PRESIDENTIAL ENERGY COMMISSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall establish, from among a group of not fewer than 30 persons recommended jointly by the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate, a Presidential Energy Commission (referred to in this section as the "Commission"), which shall consist of between 15 and 21 representatives from among the following categories:

(i) Oil and natural gas producing States.

(ii) States with no oil or natural gas production.

(iii) Oil and natural gas industries.

(iv) Consumer groups focused on energy issues.

(v) Environmental groups.

(vi) Experts and analysts familiar with the supply and demand characteristics of all energy sectors.

(vii) The Energy Information Administration.

(B) TIMING.—The appointments of the members of the Commission shall be made

not later than 30 days after the date of enactment of this Act.

(C) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(D) CHAIRPERSON.—The members of the Commission shall appoint 1 of the members to serve as Chairperson of the Commission.

(E) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(F) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(2) DUTIES.—

(A) IN GENERAL.—The Commission shall—

(i) conduct a study, focusing primarily on the oil and natural gas industries, of—

(I) the status of inventories of natural gas, crude oil, and distillate fuel in the United States, including trends and projections for those inventories;

(II) the causes for and consequences of energy supply disruptions and energy product shortages nationwide and in particular regions;

(III) ways in which the United States can become less dependent on foreign oil supplies;

(IV) ways in which the United States can better manage and utilize its domestic energy resources;

(V) ways in which alternative energy supplies can be used to reduce demand on traditional energy sectors;

(VI) ways in which the United States can reduce energy consumption;

(VII) the status of, problems with, and ways to improve—

(aa) transportation and delivery systems of energy resources to locations throughout the United States;

(bb) refinery capacity and utilization in the United States; and

(cc) natural gas, crude oil, distillate fuel, and other energy-related petroleum product storage in the United States; and

(VIII) any other energy-related topic that the Commission considers pertinent; and

(ii) not later than 180 days after the date of enactment of this Act, submit to the President and Congress a report that contains—

(I) a detailed statement of the findings and conclusions of the Commission; and

(II) the recommendations of the Commission for such legislation and administrative actions as the Commission considers appropriate.

(B) TIME PERIOD.—The findings made, analyses conducted, conclusions reached, and recommendations developed by the Commission in connection with the study under subparagraph (A) shall cover a period extending 10 years beyond the date of the report.

(c) USE OF FUNDS.—The Secretary of Energy shall use \$500,000 of funds appropriated to the Department of Energy to fund the Commission.

(d) TERMINATION OF COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under subsection (b)(2)(A)(ii).

Mr. SCHUMER. Mr. President, I thank my colleagues from New Mexico and Nevada for making time. I am proud to join with Ms. COLLINS, the Senator from Maine, in offering this amendment.

The amendment is a very simple one. It calls for a Presidential commission to study and propose, hopefully, consensus recommendations on how to

deal with the impending crisis we have in energy.

The crisis is easy to document. U.S. inventories of natural gas, crude oil, heating oil, and diesel fuel are all at or near 25-year historic lows. Motorists in my State of New York and throughout the country are paying gasoline prices that are hovering near record highs in absolute terms and are increasing at record levels.

The current price of heating oil is higher than consumers typically pay in the dead of winter. Natural gas prices are at twice their typical price and are the highest in history at a time when warm weather keeps demand for natural gas low.

We are on the precipice of the most serious, most expensive, and most economically devastating energy crisis since spiraling prices sent our economy into a tailspin in 1976, and, of course, in terms of electricity as well. We have real problems with greater and greater demand and not enough supply.

Alan Greenspan said last July that the high price of oil has been putting inflationary pressure on our economy and that any further market impact "would pose a risk to America's economic outlook."

With crude oil selling for more than \$33 a barrel and natural gas selling for a record nearly \$5 per billion cubic feet, we are at the point that Chairman Greenspan warned about.

This is on top of a very expensive energy season where American consumers spent more than \$75 billion on energy costs over the previous year.

Everyone has their own solution to the energy crisis. I have listened to the chairman of the Energy Committee and some on that side who say we should simply pump more oil. And, in the opinion of others, we should do that despite what we do to the environment.

I have heard many on this side say we have to do many things to reduce demand, such as raise CAFE standards and include SUVs and minivans under the designation of automobiles and raise the average miles per gallon.

I have heard others talk about new types of energy sources and how we need to explore them. Probably every one of the 100 Members in this Chamber, particularly after the last 6 months, has an idea. There is one problem. Our ideas are so fractured and so lacking consensus that we have done nothing. This is not blame on the Democrats or Republicans, on the White House or the Congress. Basically, there is enough blame to go around so that everybody can point a finger.

The bottom line is simple: Our demand for energy is increasing. Our supply of energy, particularly domestic supply, is decreasing. Unless we come to some kind of national consensus, the problems we faced last winter with home heating oil and this early summer with gasoline will cause new problems.

I have a great deal of respect for the Secretary of Energy. I think he has

done a very good job under trying circumstances. I don't blame him. I don't blame the President. I don't blame the majority leader. I don't blame the chairman of the energy committee. But we have a problem. Thus far, we have been unable to deal with it.

The amendment Senator COLLINS and I have offered to the energy and water appropriations bill will create a national energy commission. The energy commission will be established jointly by the President and the majority and minority leaders of the House and Senate and will bring together representatives from the energy producing States, energy consuming States, oil and natural gas industries, consumer groups, environmental groups, and experts and analysts in the energy field. It is just the kind of group needed to bring about the consensus we so sorely lack. There may not be a consensus, but I believe we ought to try.

I, for one, am dubious of many commissions. In this case it is needed because of the paralysis in Washington in terms of addressing this issue, because of the lack of consensus throughout the land in how to deal with something that at the very least is going to cost Americans a lot more money and at its worst could take our fine economic recovery and send it into a tailspin.

The commission was designed by the Senator from Maine and myself to have a broad consensus of parties, branches of government and views and constituencies. It will conduct a study and provide a report to us on the following: the status of inventories of our energy sources; the cause for and consequences of energy supply disruption and energy product shortages nationwide and in particular regions; ways in which the United States can become less dependent on foreign oil supplies; ways in which alternate energy sources can be used to reduce demand on traditional energy sectors; ways in which the U.S. can reduce energy consumption; and ways to improve refinery capacity, utilization, and storage in the United States of natural gas, crude oil, and distillate fuel.

The commission shall provide a report within 6 months of enactment that shall include an assessment of our problems and recommendations on how to solve them.

In conclusion, last year New Yorkers and New Englanders paid more than \$2 a gallon for heating oil. Home owners paid up to \$1,000 more to heat their homes in my State, not because of weather but because of shortages. Motorists, people going on vacation, people driving cars and trucks for a living also paid hundreds if not thousands of dollars more out of their pockets this year.

As Chairman Greenspan warned, this is one of the few things that looms on the near horizon that could throw our economy off kilter.

Let us not get caught unprepared again. This amendment is the start of an energy policy that will protect consumers and protect our economy.

I thank the Chair and my colleagues from New Mexico and Nevada for their generosity and most particularly the Senator from Maine who is always a pleasure to work with on these and other issues.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Maine.

Ms. COLLINS. Mr. President, I first want to thank the managers of this bill, Senator DOMENICI and Senator REID, for bringing this appropriations bill to the floor in a bipartisan fashion and for making this time available to us tonight.

I am very pleased to join with my good friend and colleague from the State of New York, Senator SCHUMER, in offering this important amendment to the Energy and Water Appropriations bill. As my colleague has explained, this amendment is straightforward. It would establish a Presidential commission to help us develop a comprehensive, sustainable energy policy. The time is long overdue for this Nation to have an energy policy. Unfortunately, the current administration has failed to develop one.

Last year when the home heating oil crisis gripped the Northeast, the Energy Secretary, Bill Richardson, was very forthright. He admitted that the Federal Government had been caught napping and said that we simply were not prepared.

Due largely to OPEC's anticompetitive manipulation of our oil markets, we have been experiencing dramatic price increases that have rippled throughout the four corners of this Nation. This year consumers have paid 47 percent more for gasoline. Truckers have paid 46 percent more for diesel fuel. And Northeasterners have paid 81 percent more for home heating oil than they did just one year earlier.

In my home State of Maine, this problem is reaching crisis proportions. Seventy-five percent of all Maine households use home heating oil, consuming an average of 800 gallons per year. Last year, the average Maine household spent \$320 more than it did the previous year simply to heat with oil. Of course, heating with natural gas provided little relief as natural gas prices have also soared. And the outlook for this year is even worse.

Meanwhile, although OPEC countries sold 5 percent less oil in 1999, their profits were up by 38 percent.

Today, as a year ago, we find ourselves turning the corner toward cooler weather and another looming home heating oil price crisis. All signs indicate that this one will be even worse than last year's. Consider that crude oil closed Friday at \$33 per barrel, up from \$22 a year ago. Last week heating oil futures hit their highest level since October of 1990. At the same time, as my colleague has pointed out, home heating oil and natural gas inventories are down. Indeed, distillate stocks are roughly 10 million barrels lower than the administration predicted just last month. In fact, stocks of crude oil, gas-

oline and heating oil in the United States have not been at levels this low since the mid-1970s, when our economy was thrown into turmoil due in large measure to a volatile oil market. Compounding the problem, the demand for distillate fuel is predicted to increase significantly this winter.

In short, the fast approaching winter looks bleak. And judging from the most recent comments of OPEC officials, it is clear that we cannot expect any real relief from the cartel.

As my colleague has pointed out, there is no consensus in the Congress or in the administration about what approach we should take in developing a national energy policy. Policymakers differ on what can be done to provide relief to American consumers.

My friend from New York and I have been advocating for some time that the administration implement a responsible plan to swap oil from our well-stocked Strategic Petroleum Reserve to satisfy market demand and provide some price relief to American consumers. Others in this Chamber advocate different approaches. But I believe we can all find common ground with the notion that, in the long term, we need to conduct a comprehensive study of our oil and natural gas industries in order to develop a strategy to stabilize fuel prices, to explore alternative energy sources, and to reduce our reliance on foreign oil supplies. Our amendment would take an important first step in accomplishing these goals through the creation of a bipartisan energy commission.

I very much appreciate the fact that the managers have been working with us on this legislation, which I hope they will accept. With that, I yield the floor.

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.

Mr. DOMENICI. Mr. President, on behalf of myself and with the concurrence of the minority leader, I ask unanimous consent that during the consideration of the energy and water appropriations bill on Wednesday, it be in order for the minority leader, or his designee, to offer an amendment to strike relating to the Missouri River. I further ask consent that there be 3 hours for debate equally divided in the usual form on that amendment, and further, no amendments be in order to the language proposed to be stricken by a vote.

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

Mr. REID. Mr. President, as soon as there is a unanimous consent agreement, it is my understanding that what we are going to try to do—there appear to be no more amendments tonight. As soon as there is something

from the staff putting us out tonight, I will withhold.

Mr. DOMENICI. The Senator is correct.

#### MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

#### THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

Mr. THURMOND. I rise today to express reservations about S. 2869, the Religious Land Use and Institutionalized Persons Act of 2000, and the larger issue of the impact of religious liberty legislation in the context of prisons and the military.

One of the founding principles of our Nation involves the freedom to worship. I have always been a strong supporter of this most basic right. For example, for many years I have introduced a constitutional amendment to permit prayer in public schools, and I would be very pleased if we could pass that amendment.

In the closing hours of the Senate before the August recess, the Senate considered the Religious Land Use and Institutionalized Persons Act, which is essentially an attempt to change the way the courts interpret the Free Exercise Clause of the Constitution regarding prisons and land use regulations throughout the Nation. Ever since the Supreme Court held the Religious Liberty Protection Act unconstitutional as applied to the states, supporters of this legislation have tried to reverse that decision. Just as the Religious Liberty Protection Act has been held unconstitutional as applied to the states and its legality is still unclear regarding the federal government, there are legitimate issues regarding whether S. 2869 is constitutional. Moreover, there are serious questions about whether this bill is good public policy, especially as it relates to the prisons and jails across America.

I first wish to note what this bill is not. It is not directed at laws that intentionally discriminate against a particular religion or even all religions. We all recognize that laws that intentionally discriminate against religious groups cannot be tolerated, and the courts already routinely invalidate such laws. Rather, this bill is directed at laws that apply to everyone equally, but have the effect of burdening someone's exercise of his or her religion. It is this indirect impact that the supporters are trying to address. However, in the process, the bill is entirely inconsistent with the principles of federalism, and it creates significant problems in many areas.

I would like to specifically address prisons. The safe and secure operation

of prisons is an extremely difficult and complex task. I fear that establishing new legal rights for inmates through this law will only make that job more difficult and more dangerous.

The Supreme Court under O'Lone and other cases established a reasonable standard for evaluating religious freedom claims in prison, balancing the needs of inmates and the institution. Then, in 1993, the Religious Freedom Restoration Act imposed a very difficult burden on correctional officials when prisoners made demands that they claimed were based on their religious faith. Although R.F.R.A. was held unconstitutional a few years later, the bill will again upset the balance.

Applying this legislation in prison has the real potential to undermine safety and security. Inmates have used religion as a cover to organize prison uprisings, get drugs into prison, promote gang activity, and interfere in important prison health regulations. Additional legal protections will make it much harder for corrections officials to control these abuses of religious rights.

One example of a successful prisoner lawsuit before R.F.R.A. was held unconstitutional concerns an inmate who refused to take a tuberculosis test in *Jolly v. Coughlin*. The New York prison system wished to prevent the spread of T.B. to staff and inmates, so it implemented a mandatory testing program to screen inmates for T.B. so the disease could be treated before it became active and contagious. The plaintiff refused to take the test based on his religious beliefs, and won. The courts permitted the inmate to violate this very reasonable health policy. This is a clear interference with prison safety and security. There is no excuse for courts to allow inmates to tell authorities what health policies they will or will not follow.

This case is just an example of how S. 2869 has the potential to put courts back in the business of second-guessing correctional officials and micromanaging state and local jails. There should be deference to the expertise and judgement of prison administrators. These professionals know what is needed to protect the safety and security of inmates, staff, and the public.

The possibilities for inmate demands for religious accommodation under S. 2869 are limited only by the criminal's imagination. As the Attorney General of Ohio said in a letter last year, "We have seen inmates sue the states for the 'right' to burn Bibles, the 'right' to engage in animal sacrifices, the 'right' to burn candles for Satanist services, the 'right' to certain special diets, or the 'right' to distribute racist materials."

There was a large increase in prisoner demands and a rise in lawsuits based on religious liberty while R.F.R.A. was in effect. The Solicitor of Ohio testified a few years ago that there were 254 inmate R.F.R.A. cases in the Lexis computer database during

the three years the law applied to the states. This does not include cases that were not included in the database, and some of the cases listed actually included many inmates because the cases were class action suits.

Winning lawsuits will encourage inmates to challenge authority more and more often in day to day prison life, and S. 2869 will make it much more likely that they will win. However, even if a prisoner's claim fails, it costs the prison much time and money to defend, at a time when prison costs are rising. The new legal standard will make it much harder to get cases dismissed before trial, greatly increasing the diversion of time and resources.

As former Senator Alan Simpson said during the debate on R.F.R.A. in 1993, applying this legislation to prisons will impose "an unfunded Federal mandate requiring the State and local governments to pay for more frequent, expensive, and protracted prisoner suits in the name of religious freedom."

Some have argued that the fact that S. 2869 must comply with the Prison Litigation Reform Act solves any problems regarding inmates. Unfortunately, as the National Association of Attorneys General has recognized, this is incorrect. It is true that the P.L.R.A. has limited the number of frivolous lawsuits inmates can bring. However, under this new legislation, lawsuits that formerly were frivolous now will have merit because this bill changes the legal standard under which religious claims are considered. Because S. 2869 makes it much easier for prisoners to win their lawsuits, the P.L.R.A. will be of little help.

Not all prisoners abuse the law. Indeed, it is clear that religion benefits prisoners. It helps rehabilitate them, making them less likely to commit crime after they are released. In fact, it is ironic that S. 2869 may actually diminish the quality and quantity of religious services in prison. If R.F.R.A. is any indication, requests for religious accommodation will rise dramatically for bizarre, obscure or previously unknown religious claims. These types of claims divert the attention and resources of prison chaplains away from delivering religious services. The great majority of inmates who legitimately wish to practice their religious beliefs will be harmed by this law.

I am pleased that the General Accounting Office will be conducting a study regarding the impact of religious liberty legislation in the prison environment. We must continue to review this important issue very closely.

Additionally, I wish to discuss my concerns regarding the effect of religious rights legislation in the military. While S. 2869 does not directly impact the Armed Services, the Administration considers the predecessor to S. 2869, the Religious Freedom Restoration Act, to be constitutional and binding on all of the federal government,