

memo is to provide a brief history on the subject as well as to list the currently acceptable market names for several of these species. This memo supercedes all previous FDA correspondence on Pangasius nomenclature.

In March 1999, the National Fisheries Institute (NFI) asked for guidance on an appropriate market name for *P. bocourti*. Since this imported fish was relatively new to interstate commerce, there was no existing acceptable market name (as would generally be described in the FDA Seafood List) for this species. From information provided by NFI (including material on this fish from Vietnamese sources), the FDA Office of Seafood accepted “*basa*,” “*bocourti*,” or “*bocourti fish*” as market names for this freshwater fish. This decision was expressed in a memo, dated March 11, 1999, from FDA to NFI.

More recently, there have been a number of requests made to FDA to allow the use of the term “catfish” for this species. The Pangasius species are members of the family Schilbidae. According to the American Fisheries Society World Fishes Important to North Americans, AFS Special Publication 21, American Fisheries Society, Bethesda, Maryland, p. 63): “The schilbids, here taken to include the Pangasiidae, are freshwater catfishes of Africa and southern Asia.” As such, FDA’s Office of Seafood will not object to the use of the name catfish, when used appropriately, to describe these species.

Mr. MCCAIN. I will read a portion.

More recently there have been a number of requests made to FDA to allow the term “catfish” for these species. Species are members of the family—

Et cetera, saying there is no difference between the catfish that are raised in Vietnam and the catfish that the agribusinesses have. The agribusinesses, however, have advertised, “Never trust a catfish with a foreign accent.”

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ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—CONFERENCE REPORT—Continued

Mr. MCCAIN. Mr. President, I will move on to the conference report for the fiscal year 2002 energy and water appropriations. Now that one of the Members, anyway, of the appropriations bill is here, the Senator from New Mexico, I hope he will note, I will not approve moving forward until I have seen the managers’ amendment on this bill.

Mr. DOMENICI. There is no managers’ amendment.

Mr. MCCAIN. If there is one on every appropriations bill, I want to see it. Last Thursday night, in case the Senator from New Mexico missed it, he voted for a package of amendments, also for \$35 million, without seeing it.

Mr. DOMENICI. The managers’ amendment is, in fact, the conference report.

Mr. MCCAIN. Good. I thank the Senator.

Mr. President, the energy and water development appropriations bill is important to the nation’s energy resources, improving water infrastructure, and ensuring our national security interests.

This conference report finalizes funding recommendations for critical cleanup activities at various sites across the country and continues ongoing water infrastructure projects managed by the Army Corp of Engineers and the Bureau of Reclamation. The bill also increases resources for renewable energy research and nuclear energy programs that are critical to ensuring a diverse energy supply for this nation.

These are all laudable and important activities, particularly given the need for heightened security around the nation. Such Federal facilities, including Federal weapons infrastructure, deserve the most vigilant protection. Unfortunately, my colleagues have determined that their ability to increase energy spending is just another opportunity to increase porkbarrel spending. Millions of dollars are diverted away from national security interests and doled out to parochial projects.

In this conference report, a total of 796 earmarks are included which adds up to \$1.2 billion in porkbarrel spending. These are earmarks for locale-specific projects that are either unrequested or unauthorized, and that have not been considered in the appropriate merit-based review process.

The \$1.2 billion in porkbarrel spending in this bill is nearly \$500 million and 441 earmarks more than the amount in the Senate-passed bill, and \$266 million more than last year’s bill.

We have increased unauthorized spending by \$266 million more than last year’s bill.

In total, nearly \$9 billion in taxpayer dollars will pay for porkbarrel spending in appropriations bill passed so far this year.

I’m sure that many of my colleagues will assert the need to use these Federal dollars for their hometown Army Corps projects or to fund development of biomass or ethanol projects in their respective states. If these projects had been approved through a competitive, merit-based prioritization process or if the American public had a greater voice in determining if these projects are indeed the wisest and best use of their tax dollars, then I would not object.

The reality is that very few people know how billions of dollars are spent in the routine cycle of the appropriations process. No doubt, the general public would be appalled that many of the funded projects are, at best, questionable—or worse, unauthorized, or singled out for special treatment.

Let me share a few examples of what the appropriators are earmarking this year:

An earmark of \$300,000 for the removal of aquatic weeds in the Lavaca and Navidad Rivers in Texas.

I am sure there are no other rivers that are beset by aquatic weeds. So we have earmarked \$300,000 for removal of the aquatic weeds in those two rivers.

There is an additional \$8 million for the Denali Commission, a regional

commission serving only the needs of Alaska.

That is a surprise.

There is \$200,000 to study individual ditch systems in the State of Hawaii.

I would like to have someone come and study the ditch systems in my State. We have a few. But we are going to spend \$200,000 to study individual ditch systems in the State of Hawaii.

Three hundred thousand dollars for Aunt Lydia’s Cove in Massachusetts.

I don’t know what the problem is up in Aunt Lydia’s Cove, but I am sure it is revered, and it certainly deserves a \$300,000 earmark. I am sure that Aunt Lydia—wherever she is—is very pleased to know that \$300,000 is going to her cove;

An additional \$1 million for the Banta-Carbona Irrigation District’s fish screen project—\$1 million, my friends, which we have not scrutinized.

I tell my colleagues, I do not know where Banta-Carbona Irrigation District is. But we are going to give them \$1 million of taxpayers’ money. Does anyone know anything about it? No, I don’t think so.

Three million dollars for a South Dakota integrated ethanol complex.

I was under the impression for a long time that ethanol was developed by private enterprise. I didn’t know we needed to contribute \$3 million to develop an ethanol project in South Dakota.

Two million dollars for the Seaalaska ethanol project.

So far we have \$5 million earmarked for specific ethanol projects.

Two separate earmarks totaling \$4.5 million for gasification of Iowa Switch Grass.

I am sure we could have a lot of fun with that one—\$4.5 million for gasification of Iowa Switch Grass. What could be the problem?

An earmark of \$1.65 million for a new library center at Spring Hill College.

I again plead ignorance. I do not know where Spring Hill College is. But they certainly deserve a new library center. Unlike other colleges, they don’t have to get the money from their alumni, or from other sources, as colleges in my State have to do.

One million dollars to install exhibits at the Atomic Testing History Institute. I think I know where the Atomic Testing History Institute is.

And \$500,000 for the Rural Montana Project, and \$8 million for the Rural Nevada Project.

I respect the work of my colleagues on the Appropriations Committee. I do not believe Congress should have absolute discretion to tell the Army Corps or the Bureau of Reclamation how best to spend millions of taxpayer dollars for purely parochial projects.

At this critical time in our history, we should be doing everything we can to instill the confidence of the American people in the Federal Government. Unfortunately, this increasing dilemma of flagrant porkbarrel spending is indefensible.

I point out that in every single appropriations bill there has been an increase in unauthorized projects—many of them put in at the last minute. I just discussed how 15 amendments were stuffed into a so-called managers' amendment which none of us except perhaps the two managers of the bill had ever seen. This process has to come to a halt at some time. It is out of control. It has to be stopped.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there is no mystery about the managers' amendments. The fact of the matter is these are amendments that are reviewed very closely by both sides. A lot of times we simply don't have a vote on them.

#### SMALL WIND PROGRAMS

Mr. JEFFORDS. Mr. President, thank Chairman REID for including funding in this bill for small wind programs being developed in the State of Vermont.

Mr. REID. I appreciate Senator JEFFORDS's leadership on the issue of renewable energy resources and his specific initiatives in Congress to promote wind energy. I am pleased to confirm that this bill includes \$500,000 to be set aside for the Vermont Department of Public Service for its wind energy program.

Mr. JEFFORDS. I thank the chairman for his leadership and support of this program. Vermont has been a leader in wind energy development, with some of our Nation's most prominent wind energy manufacturers being located in my home State. In cooperation with the wind energy industry and the Vermont utilities, the Vermont Department of Public Service has conducted a statewide inventory of potential wind sites to determine the best sites in terms of natural wind currents. The results are quite impressive and encouraging.

As the chairman knows, we have many ski areas operating on the scenic mountains of Vermont, and the research confirms that these ski areas, which are also significant electricity users, also have great potential for wind energy production. Indeed, the Vermont Ski Areas Association, in cooperation with several of its member resorts, is determined to be a national leader in the development of efficient, environmentally friendly alternative energy resources, including wind energy.

While there have been discussions for a couple years now of potential opportunities for distributed generation at Vermont ski areas, we have yet to analyze the full scope of the issues involved. We know, for example, that there are economic thresholds to be identified, but specific profiles of energy use at Vermont ski areas have not been established. We know there are permitting issues, some procedural and some a matter of policy, and these need further definition. We know that there are energy regulatory issues, such as interconnection and metering rules,

and these need to be identified in a full and comprehensive manner.

While I am speaking in terms of wind energy projects being considered by Vermont ski areas, many of the issues would pertain to other alternative energy projects and other distributive generation projects in Vermont.

If I can indulge the chairman further, is it your intention that a portion of these funds be used to help identify potential barriers to wind energy development, including but not limited to the economic and regulatory issues I have mentioned here?

Mr. REID. If the Senator will yield, yes, that is the committee's intention.

Mr. JEFFORDS. I thank the Chairman. Is it also the committee's intention that the Vermont Department of Public Service, as recipient of this funding, would work in cooperation with other State agencies, such as the Vermont Agency of Natural Resources?

Mr. REID. Yes, that is the committee's intention.

Mr. JEFFORDS. Does the chairman envision that the Department will work cooperatively with the Vermont Ski Areas Association to define a specific scope of work supported by a portion of these funds and to identify the most efficient and expedient methods for conducting such work, including the selection of consultants to assist in this process?

Mr. REID. Yes, that is the committee's intention.

Mr. JEFFORDS. Finally, I know the Chairman is familiar with other initiatives underway in the State of Vermont with the support of the Department of Energy. I know the people of Vermont appreciate the Department's assistance as well as the chairman's leadership in encouraging that support.

Given the Department's prior experience with related studies, such as the remote generation grant, is it the committee's expectation that the funds appropriated by this act be available to build upon the findings and recommendations of previous, related efforts?

Moreover, is it the committee's expectation that the work products include an analysis of the economics of wind and alternative energy opportunities at Vermont ski areas, an analysis of the environmental permitting issues, and an analysis of the energy regulatory issues?

Mr. REID. The Senator is correct in identifying some of the committee's expectations for this appropriation.

Mr. JEFFORDS. I thank the chairman and reiterate my appreciation for his longstanding interests in national energy issues, including his support of Federal renewable energy programs to increase domestic energy security.

Mr. President, I would like to also mention my appreciation for Gov. Howard Dean's leadership on Vermont energy initiatives. Governor Dean and his agencies have been involved in discussions with the Vermont ski areas on

the opportunities presented by the initiative outlined here. It is my expectation that these parties, along with other leaders in the wind energy industry and with the Vermont utility companies, are prepared to work cooperatively to generate useful results in a prompt and efficient manner.

#### NATIONAL CENTER FOR NEUROGENETIC RESEARCH AND COMPUTATIONAL GENOMICS

Mrs. BOXER. Mr. President, I rise today to engage in a short colloquy with the distinguished chairman of the Appropriations Subcommittee on Energy and Water Development—the distinguished Senator from Nevada, Mr. REID. It is my desire to clarify the intent of the language included in the conference agreement of the Energy and Water appropriations bill.

Mr. REID. I am glad to discuss this matter with my colleague.

Mrs. BOXER. I want to clarify that the Human Genome Project at the University of Southern California listed in title III Department of Energy, under the science biological and environmental research account should have been noted as the National Center for Neurogenetic Research and Computational Genomics at the University of Southern California. This project is clearly worthy of Federal support, and I wanted to ensure that the intent of Congress with respect to this language is clear.

Mr. REID. This is an excellent project. I assure the Senator from California that I concur with her remarks and that this correction will be noted in the RECORD.

Mrs. BOXER. I thank the distinguished chairman.

Mr. STEVENS. Mr. President, I have a question for the manager of the Energy and Water appropriations bill. We will soon need to reprogram funds within the Corps of Engineers to bring the Hopper Dredge ESSAYONS to Cook Inlet to remove sediments from the recently completed channel. We performed a similar reprogramming 2 years ago because we did not know how the sedimentation pattern would develop in the area. The channel was completed during the summer of 2000. At that time the corps estimated maintenance dredging would have to be performed every 5 to 6 years.

Recent surveys show that Knik Arm and the North Point Shoals have shifted and a large deposit has settled into the southern approach to the Cook Inlet Navigation Channel. However, the corps believes that vast majority of the material is located "outside the project limits." It starts just inside the western limit then continues for approximately 1000 meters beyond the limit. The authorized limit for the channel is 310 meters wide at a depth of minus 11 meters for approximately 2000 meters.

The shippers in our area have expressed concern about the condition of the navigation channel. I am told the corps will require a post authorization change evaluation report before they can proceed to address this problem.

My question to the Senator is, when Congress first authorized this project, was the area I just described supposed to be within the scope of the original project, thus allowing the corps to proceed with the required dredging and maintenance?

Mr. DOMENICI. I thank the Senator from Alaska for his question. I have been made aware of the problem in the Cook Inlet Navigation Channel, and I am concerned about its current condition. I am also aware that the channel is the lifeline for products to the State of Alaska. The area described by the Senator from Alaska should be considered within the scope of the original authorization and I urge the corps to address this issue soon as possible.

Mr. STEVENS. I thank the senator.

JENNINGS RANDOLPH LAKE PROJECT

Mr. SARBAKES. Mr. President, I would like to engage the distinguished chairman in a colloquy regarding two provisions in the conference report to accompany the fiscal year 2002 Energy and Water Appropriations Act.

Mr. REID. I would be pleased to discuss these matters with the senior Senator from Maryland.

Mr. SARBAKES. I want to clarify that it was the conference committee's intent that a portion of the additional funding provided in the Army Corps of Engineers operations and maintenance account for the Jennings Randolph Lake project will be used to develop access to the Big Bend Recreation area on the Maryland Side of the Jennings Randolph Lake immediately downstream from the dam.

Mr. REID. The Senator is correct. The committee has provided an additional \$1 million in this account for the Jennings Randolph Lake project to be used for recreational facility improvements as well as for planning and design work for access to the Big Bend Recreation Area located immediately downstream of the Jennings Randolph Dam.

Mr. SARBAKES. I would also like to clarify that it was the conference committee's intent that the funding provided for the Chesapeake Bay shoreline erosion study will also include an examination of management measures to address the sediments behind the dams on the lower Susquehanna River.

Mr. REID. The Senator is again correct.

Mr. SARBAKES. I thank the chairman for these assurances and commend him and the staff for the terrific work in crafting this conference agreement.

ALASKA'S COOK INLET

Mr. STEVENS. Mr. President, I would like to engage in a short colloquy with the distinguished manager of the Energy and Water conference report. My question is raised to assure that the managers have provided adequate funding and authority for the Department of Energy to provide grants for research on tidal power as an alternative energy source. As the managers know, this country needs viable alternative power sources. One of these could be tidal power.

In Alaska, nearly 65 percent of our population resides on the shores of Cook Inlet which also has the second highest tides in the world. These tides rise as high as 46 feet, second only to the Bay of Fundy off of Nova Scotia. I have been contacted by Anchorage Municipal Light and Power, the municipally owned electric utility of the Municipality of Anchorage. The utility believe that it can effectively harness the power of the tides at Cook Inlet to supply clean, renewable power to its customers. However, it needs a grant for research to adapt current technology in use in other parts of the world to Cook Inlet. That grant would probably require between \$200,000 and \$300,000.

Let me ask the managers if they agree that there is both sufficient funding and authority under the existing statutes to permit such a renewable research grant to be funded under the Renewable Energy accounts in this bill. I also want to clarify that this grant can be awarded to an applicant such as Anchorage Municipal Light & Power even though past DOE grants have been unsuccessful and DOE has been concentrating more recently on other renewable concepts. Do the managers agree with me on this?

Mr. DOMENICI. Mr. President, let me say to my friend from Alaska and ranking Republican on the full committee, that I agree completely with his analysis. The DOE is both authorized and adequately funded to provide for such a research grant. I join the distinguished Senator from Alaska in exploring and providing such a grant to explore the tidal energy protection of Alaska's Cook Inlet.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring of the conference report to H.R. 2311, the Energy and Water Development Appropriations Act for Fiscal Year 2002.

The conference report provides \$24.596 billion in discretionary budget authority, which will result in new outlays in 2002 of \$15.973 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report total \$24.77 billion in 2002. Of that total, \$14.7 billion in budget authority and \$14.715 billion in outlays is for defense spending. The conference report is at the appropriations' subcommittee's section 302(b) allocations for both budget authority and outlays. Further, the committee has met its target without the use of any emergency designations.

I am relieved that we are moving forward on this and other appropriations bills, so that we can meet our obligation to the country to enact a spending plan for the government in a reasonably timely manner. I commend subcommittee Chairman REID, Ranking Member DOMENICI, and their House counterparts for their hard work in forging reasonable compromises between the House and Senate versions of this bill. This report addresses some of

our country's most pressing nuclear security and water resources needs, as well as important energy issues.

I ask unanimous consent that a table displaying the budget committee scoring of this report be inserted in the RECORD at this point.

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

H.R. 2311, CONFERENCE REPORT TO THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

[In millions of dollars]

	General purpose <sup>1</sup>	Defense <sup>1</sup>	Mandatory	Total
Conference report:				
Budget Authority .....	9,896	14,700	0	24,596
Outlays .....	10,055	14,715	0	24,770
Senate 302(b) allocation: <sup>2</sup>				
Budget Authority .....	9,896	14,700	0	24,596
Outlays .....	24,770	0	0	24,770
President's request:				
Budget Authority .....	9,003	13,514	0	22,517
Outlays .....	9,389	13,928	0	23,317
House-passed:				
Budget Authority .....	9,668	14,037	0	23,705
Outlays .....	9,931	14,287	0	24,218
Senate-passed:				
Budget Authority .....	9,709	15,250	0	24,959
Outlays .....	9,905	15,073	0	24,978
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation: <sup>2</sup>				
Budget Authority .....	0	0	0	0
Outlays .....	0	0	0	0
President's request:				
Budget Authority .....	893	1,186	0	2,079
Outlays .....	666	787	0	1,453
House-passed:				
Budget Authority .....	228	663	0	891
Outlays .....	124	428	0	552
Senate-passed:				
Budget Authority .....	187	-550	0	-363
Outlays .....	150	-358	0	-208

<sup>1</sup> The 2002 budget resolution includes a "firewall" in the Senate between defense and nondesign defense spending. Because the firewall is for budget authority only, the Senate appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondesign outlays together as "general purpose" for purposes of comparing the conference report outlays with the Senate subcommittee's allocation.

<sup>2</sup> For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. REID. I yield back our time.

The PRESIDING OFFICER. Does the Senator from Arizona yield back time?

Mr. McCAIN. Yes.

The PRESIDING OFFICER. All time is yielded.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the adoption of the conference report to accompany H.R. 2311 occur upon disposition of the Kyl impact aid amendment and that the previous consent regarding the Treasury-Postal appropriations bill remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. REID. I ask unanimous consent that there be 30 minutes for debate equally divided in the usual form in relation to the Kyl amendment regarding impact aid prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote.