

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2311, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized.

## RECESS

Mr. REID. Madam President, I ask unanimous consent the Senate stand in recess until 1:30 p.m. today, and that I be recognized at 1:30 p.m.

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

Thereupon, the Senate, at 12:16 p.m., recessed until 1:30 p.m. and reassembled when called to order by the Presiding Officer (Mrs. LINCOLN).

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2002—Resumed

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, with respect to rule XXII, I ask unanimous consent that Members with amendments on the finite list of amendments to the energy and water appropriations bill have until 2 p.m. today to file first-degree amendments, except for the managers' package, which has been agreed to by both managers and by both leaders.

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

Mr. REID. Madam President, I ask unanimous consent to briefly speak as if in morning business.

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

(The remarks of Mr. REID are printed in today's RECORD under "Morning Business.")

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

## AMENDMENT NO. 1024

Mr. REID. Mr. President, I send the managers' amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. DOMENICI, proposes an amendment numbered 1024.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SARBANES. Mr. President, the purpose of my amendment is to address the very serious problem of shoreline erosion and sedimentation which are adversely impacting the health of the Chesapeake Bay watershed. There are approximately 7,325 miles of tidal shoreline along the Chesapeake Bay and its tributaries. In an average year, it is estimated that 4.7 million cubic yards of shoreline material are deposited in the bay due to shoreline erosion. The results not only in serious property damage, but also contributes millions of cubic yards of sediment annually to the bay. This sediment adversely affects the bay's water quality, destroys valuable wetlands and habitat and clogs the bay's navigational channels.

The Army Corps of Engineers operates thirteen reservoirs on the upper Susquehanna River and regulates the river's low and high water flows. There are also four hydroelectric projects on the lower Susquehanna. Under normal conditions, these reservoirs and dams serve as traps for the harmful sediments which flow into the River. During major storms however, they suddenly discharge tremendous amounts of built-up sediments, severely degrading the water quality of the Chesapeake Bay, destroying valuable habitat and killing fish and other living resources. Scientists estimate that Tropical Storm Agnes in 1982 "aged" the bay by more than a decade in a matter of days because of the slug of sediments discharged from the Susquehanna River reservoirs. There is a real danger that another major storm in the basin could scour the sediment that has been accumulating behind these dams and present a major setback to our efforts to clean up the bay.

Chesapeake 2000, the new interstate Chesapeake Bay Agreement, has identified control of sediment loads as a top priority for improving the water quality of the bay. The agreement specifically calls for load reductions from sediment in each major tributary by 2001 and for implementing strategies that prevent the loss of the sediment retention capabilities on the lower Susquehanna River dams by 2003.

Unfortunately, our understanding of the sediment processes and sources of sediments which feed the bay system is still very limited and, to date, few efforts have been undertaken to address the environmental impacts of shoreline erosion and sedimentation on the bay. In 1990, the Army Corps of Engineers completed a study on the feasibility of shoreline erosion protection measures which could protect both the land and

water resources of the Chesapeake Bay from the adverse effects of continued erosion but, due to limited authorities, no Federal construction action was recommended at the time. However, the report recommended that the Corps pursue further studies including developing and refining ecosystem models to provide a better understanding of the environmental impacts of sedimentation and sediment transport mechanisms and identifying priority deposition-prevention areas which could lead to structural and non-structural environmental enhancement initiatives.

On May 23, 2001, the Senate Environment and Public Works Committee, approved a resolution which I sponsored together with Senators WARNER and MIKULSKI, directing the Secretary of the Army to review the recommendations of the Army Corps of Engineers' 1990 Chesapeake Bay Shoreline Erosion Study and other related reports and to conduct a comprehensive study of shoreline erosion and related sediment management measures which could be undertaken to protect the water and land resources of the Chesapeake Bay watershed and achieve the water quality conditions necessary to protect the bay's living resources.

The resolution called for the study to be conducted in cooperation with other Federal agencies, the State of Maryland, the Commonwealth of Virginia, and the Commonwealth of Pennsylvania, their political subdivisions and the Chesapeake Bay Program. It also directed the Corps to evaluate structural and non-structural environmental enhancement opportunities and other innovative protection measures in the interest of environmental restoration, ecosystem protection, and other allied purposes for the Chesapeake Bay.

The funding which my amendment would make available, would enable the Corps of Engineers to initiate this study and begin to assess alternative strategies for addressing the shoreline erosion/sedimentation problem in the bay. As the lead Federal agency in water resource management, the Army Corps of Engineers has an important role to play in the restoration of the Chesapeake Bay. The results of this study could benefit not only the overall environmental quality of the Chesapeake Bay, but improve the Corps' dredging management program in the bay.

I urge my colleagues to join me in supporting this amendment.

Mr. WARNER. Mr. President, I rise in favor of an amendment on behalf of myself, Senator SARBANES and Senator ALLEN relating to the ongoing effort by the Corps of Engineers, the Commonwealth of Virginia and the State of Maryland to give new life to the Chesapeake Bay oyster.

Since 1996, the Corps of Engineers has joined with Maryland and Virginia to provide oyster habitat in the Chesapeake Bay. This partnership has stimulated significant financial support from

Virginia and Maryland, dollars from the non-profit Chesapeake Bay Foundation, and many individuals.

The oyster, once plentiful in the Bay, has been ravaged by disease, over-harvesting and pollution. Oyster populations in the Bay are nearly non-existent at 99 percent of its traditional stock. In 1999, watermen landed about 420,000 bushels—approximately 2 percent of the historic levels.

Since the beginning of the joint federal-state Chesapeake Bay Restoration program in 1983, we have learned that restoring healthy oyster populations in the Bay is critical to improving water quality and supporting other finfish and shellfish populations. According to scientists, when oyster populations were at its height, they could filter all of the water in the Bay in three to four days. Today, with the depleted oyster stocks, it takes over one year.

Although it took a long time to develop, there is now consensus in the scientific community, and among watermen and the Bay partners that increasing oyster populations by ten-fold over the next decade is a key factor in restoring the living resources of the Bay. Using historic oyster bed locations, owned by the Commonwealth, this federal-state effort has built three-dimensional reefs, stocked them with oyster spat and designated these areas as permanent sanctuaries. These protected areas, off limits to harvesting, have shown great promise in producing oysters that are “disease tolerant” which are reproducing and building up adjacent oyster beds.

The new Chesapeake Bay 2000 Agreement, between the federal government and the Bay states, calls for increasing oyster stocks tenfold by 2010, using the 1994 baseline. This goal calls for constructing 20 to 25 reefs per year at dimensions where the reefs rise about the Bay bottom so that young oysters survive and grow faster than silt can cover them.

Mr. President, with the funding provided last year to the Corps and the additional state funds, there is now an active oyster reef construction program underway in both Virginia and Maryland.

My amendment today recognizes the significant allocation of state scientists and state programs that devote their time and resources to the oysters restoration partnership. Integral to the entire project is the state effort to map the large oyster ground areas to determine those sites most suitable for restoration, and to provide suitable shell stock.

For example, in Virginia the focus of the next oyster reef construction area is on the large grounds in Tangier and Pocomoke Sounds. State Conservation and Replenishment Department staff created maps that were gridded and more than 3,000 acres were sampled and evaluated. Eight sanctuary reef sites and more than 190 acres of restorable harvest areas were identified during the oyster ground stock assessment in this area earlier this year.

In preparation for reef construction this summer, Virginia contracted with local watermen to clean the harvest areas and reef sites. In June of this year, four areas were planted with 86,788 bushels of oyster shells at a cost of \$139,000 in state funds.

The State of Maryland has been equally committed to providing resources to the Corps for the construction of reef sites in the Maryland waters of the Bay.

Consistent with other Corps programs, my amendment permits the Corps to recognize the strong partnership by the states to restore oyster populations and provide credit toward the non-federal cost share for in kind work performed by the states.

This federal-state sanctuary program is essential to restoring the Chesapeake Bay oyster. The oyster is a national asset because it has the capability to purify the water by filtering algae, sediments and pollutants. Sanctuary oyster reefs also provide critical habitat to other shellfish, finfish and migratory waterfowl.

It has been my privilege to see the construction of these sanctuary reefs last April and I am encouraged by the success of the initial reefs built in Virginia. I am confident that this program is the only way to replenish—and to save—the Chesapeake Bay oyster. I respectfully urge its adoption.

Ms. SNOWE. Mr. President, I rise to thank Senators REID and DOMENICI for including the Snowe-Collins amendment in the Fiscal Year 2002 Energy and Water Development Appropriations today to help the Town of Ft. Fairfield, ME. My amendment should resolve a serious design problem that has arisen in connection with the construction of a small flood control levy project in Ft. Fairfield, which is located above the 46th parallel in Northern Maine, where the river freezes every fall and stays frozen well into spring.

The proper functioning of the levy is vital to the town's economic viability and for protection against future flooding of the downtown area. My amendment should allow the Army Corp of Engineers to assume financial responsibility for a design deficiency in the project relating to the interference of ice with pump operation so that there will be no further and inappropriate cost to the Town.

My amendment calls for the Secretary of the Army to investigate the flood control project and formally determine whether the Secretary is responsible. Since the Corps has already assumed responsibility for the design deficiency, the Secretary will then order the design deficiency to be corrected at 100 percent federal expense.

Once again, I thank the Chairs for their continued support for the levy project in Ft. Fairfield over the years, and I am pleased that the town will now have the assurance that their flooding problems are behind them and can go forward with their economic development plans for their downtown area.

Mr. REID. Mr. President, I ask unanimous consent that the amendment submitted by Senators REID and DOMENICI be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 1024) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The remarks of Mr. SPECTER are printed in today's RECORD under "Morning Business.")

Mr. SPECTER. I thank the Chair. 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. SARBANES. 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. SARBANES. Mr. President, I ask unanimous consent to proceed as in morning business for 4 minutes.

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

(The remarks of Mr. SARBANES are located in today's RECORD under "Morning Business.")

Mr. SARBANES. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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, I seek permission to speak for up to 10 minutes as if in morning business.

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

(The remarks of Mr. DOMENICI are printed in today's RECORD under "Morning Business.")

Mr. DOMENICI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names: Mr. DOMENICI, Mr. NELSON of Nebraska, and Mr. REID.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. REID. Therefore, Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Nevada. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—76

Akaka	Edwards	Lincoln
Baucus	Enzi	Lugar
Bayh	Feingold	McConnell
Biden	Feinstein	Mikulski
Bingaman	Fitzgerald	Miller
Boxer	Frist	Murray
Burns	Graham	Nelson (FL)
Byrd	Grassley	Nelson (NE)
Campbell	Gregg	Nickles
Cantwell	Hagel	Reed
Carnahan	Harkin	Reid
Carper	Hatch	Rockefeller
Chafee	Helms	Santorum
Cleland	Hollings	Sarbanes
Clinton	Hutchinson	Schumer
Cochran	Inouye	Shelby
Conrad	Jeffords	Smith (OR)
Corzine	Johnson	Stabenow
Craig	Kennedy	Stevens
Daschle	Kerry	Thurmond
Dayton	Kohl	Torricelli
DeWine	Kyl	Warner
Dodd	Landrieu	Wellstone
Domenici	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

NAYS—23

Allard	Crapo	Sessions
Allen	Gramm	Smith (NH)
Bennett	Hutchison	Snowe
Bond	Inhofe	Specter
Breaux	Lott	Thomas
Brownback	McCain	Thompson
Bunning	Murkowski	Voinovich
Collins	Roberts	

NOT VOTING—1

Ensign

The motion was agreed to.

The PRESIDING OFFICER (Mr. CORZINE). A quorum is present.

The majority leader.

Mr. DASCHLE. Mr. President, for the information of our colleagues, we are now prepared to go to third reading on the energy and water appropriations bill. Senator LOTT and I and Senator DOMENICI and others have been working on what we will do following the completion of our work on energy and water. Unless there is an objection, I think this would be an appropriate time to complete our work on that bill. Senator LOTT and I will have further announcements as soon as we complete our work on this particular bill.

At this time, it would be my suggestion we go to third reading and final passage.

The PRESIDING OFFICER. The Senator from Nevada.

MODIFICATION TO AMENDMENT NO. 1024

Mr. REID. Mr. President, I ask unanimous consent that the managers' amendment be modified with the language I send to the desk.

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

The modification is as follows:

On page 7, line 6, strike the period and insert the following: “*Provided further*, That within the fund's provision herein, \$250,000 may be used for the Horseshoe Lake, AR, feasibility study.”

At the appropriate place, insert the following: “*Provided further*, That the project for the ACF authorized by section 2 of the Rivers and Harbor Act of March 2, 1945 (Public Law 79-14; 59 Stat. 10) and modified by the first section of the River and Harbor Act of 1946 (60 Stat. 635, Chapter 595), is modified to authorize the Secretary, as part of navigation maintenance activities to develop and implement a plan to be integrated into the long term dredged material management plan being developed for the Corley Slough reach as required by conditions of the State of Florida water quality certification, for periodically removing sandy dredged material from the disposal area known as Site 40, located at mile 36.5 of the Apalachicola River, and from other disposal sites that the Secretary may determine to be needed, for the purpose of reuse of the disposal areas, by transporting and depositing the sand for environmentally acceptable beneficial uses in coastal areas of northwest Florida to be determined in coordination with the State of Florida: *Provided further*, That the Secretary is authorized to acquire all lands, easements, and rights of way that may be determined by the Secretary, in consultation with the affected state, to be required for dredged material disposal areas to implement a long term dredge material management plan: *Provided further*, That the long term management plan shall be developed in coordination with the State of Florida no later than 2 years from the date of enactment of this legislation: *Provided further*, That, \$5,000,000 shall be made available for these purposes and \$8,173,000 shall be made available for the Apalachicola, Chattahoochee and Flint Rivers Navigation.”

#### FUNDING FOR BEACH REPLENISHMENT PROJECTS

Mr. TORRICELLI. Mr. President, I rise to ask the distinguished managers of the bill if they would consider a request that I and my colleague from New Jersey have concerning the conference.

Mr. REID. I would be happy to accommodate my colleagues from New Jersey.

Mr. TORRICELLI. I thank the Senator from Nevada. Mr. President, I am very pleased to see that the fiscal year 2002 Energy and Water Appropriations bill makes appropriations for many important water resources projects throughout the country. In particular, the Army Corps of Engineers budget includes \$1.57 billion in construction funding for important dredging, flood control, and beach replenishment projects, many of which are in my State.

We are extremely grateful that the subcommittee has provided New Jersey with sorely needed funds. And while we understand that the committee has appropriated projects with limited funds, we ask that should funds be made available during conference, that they would consider funding beach replenishment new construction starts. There are several new start projects in my State which are in desperate need of funding, and I would like to draw your

attention to several of these projects, and ask that the chairman and ranking member of the subcommittee consider funding for these projects. I cannot stress how vital these projects are to the economies of my State, the region, and our Nation.

Mr. CORZINE. Mr. President, New Jersey's 127 miles of beaches are wide and inviting, dotted with sand dunes and boardwalks offset by a rollicking blue surf and white, warm sand. From Sandy Hook to Cape May Point, one hundred and sixty million people visit New Jersey beaches per year. These visitors generate the bulk of the tourism industry in New Jersey, which is the backbone of my State's economy. Spending by tourists totaled \$26.1 billion in New Jersey in 1998, a 2 percent increase from \$25.6 billion in 1997. Clearly, our beaches are our lifeblood, and their health is paramount.

This year, there are five new start beach replenishment projects that are in critical need for Federal funding. These projects: the Lower Cape May Meadows, the Brigantine Inlet to Great Delaware Bay Coastline—Oakwood Beach, the Delaware Bay Coastline—Villas and Vicinity, are vital to fighting beach erosion and protecting the tourist economy for South Jersey. My fear is that if Federal funds are not immediately directed to protect these beaches, they will literally disappear in the future.

Mr. TORRICELLI. While we recognize the difficulties involved in providing funding for new starts, we cannot stress how important the construction phase for these projects begin as soon as possible. I would like to note that all of these projects have been authorized by the Water Resources Development Act.

The economy of the region depends directly upon the health of its beaches. Unless construction begins in fiscal year 2002, I am concerned that the economies of the beach-towns within the scope of these projects will be seriously damaged.

Mr. REID. I thank the Senators from New Jersey and assure them that the committee recognizes the importance of protecting our beaches throughout the country.

#### JENNINGS RANDOLPH LAKE PROJECT

Mr. SARBANES. Mr. President, I would like to clarify that it is the committee's intent that the additional \$100,000 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 \$100,000 for planning and design work for access to the Big Bend Recreation Area located immediately downstream of the Jennings Randolph dam.

Mr. SARBANES. I thank the chairman for these assurances. There is

great demand for additional camping, fishing, and white water rafting opportunities particularly in the area just below the dam, known as Big Bend, and these funds will be very helpful in developing access to this area.

GREAT LAKES DRILLING STUDY

Ms. STABENOW. Mr. President, as the Senator from Nevada knows, the Senate adopted the Stabenow-Fitzgerald-Levin-Durbin amendment which would require an Army Corps of Engineers study on drilling in the Great Lakes and place a moratorium on any new drilling until Congress lifts it in the future.

It is clear that Congress has jurisdiction over Great Lakes drilling because it constitutes interstate commerce under the commerce clause of the Constitution. This constitutes interstate commerce under the Commerce clause of the Constitution for several reasons. One reason is that an environmental accident such as the release of crude oil into the waters of one or more of the Great Lakes would negatively affect the water quality, tourism and fishing industries and shorelines of multiple Great Lakes states. Another reason is that oil and gas extracted from one Great Lakes states would be transported and sold in other states in the form of many products. It would also increase the national supply of oil and gas.

For these reasons, there is not doubt that Congress has Federal jurisdiction over drilling in the Great Lakes and can put a stop to it.

Would the distinguished Chairman of the Energy and Water Subcommittee, and the author of this bill, agree with this interpretation of the Commerce clause?

Mr. REID. I totally agree that Congress has jurisdiction over drilling in the Great Lakes because it constitutes interstate commerce under the commerce clause of the Constitution.

Ms. STABENOW. I thank the distinguished chairman of the subcommittee.

KOOTENAI RIVER STURGEON

Mr. CRAIG. Mr. President, I rise today to express my deep concern over the control of water levels of the Kootenai River in and around Bonners Ferry, ID, related to the Kootenai Sturgeon. The Kootenai River is directly influenced by the operations of the Libby Dam as operated by the Army Corps of Engineers. This area has also been defined as critical habitat for the Kootenai Sturgeon.

Will the distinguished Senators from Nevada and New Mexico engage in a colloquy with me concerning the Kootenai River Sturgeon?

Mr. REID. I will be pleased to engage in such a colloquy.

Mr. DOMENICI. As am I.

Mr. CRAIG. The U.S. Fish and Wildlife Service is in the final stages of the biological opinion reporting on the Kootenai Sturgeon. I feel this document is severely flawed. In the assessment, the economic impact is determined to have "no effect" because the

area of study is 11 miles of river bottom. As there is no economic activity on the river bottom, I understand the conclusion of the biological opinion. However, I believe the area studied by the economic impact should be the communities affected by any changes in the operations of the Kootenai River.

The biological opinion states that the river should be operated above 1,758 feet to support increased flows for Kootenai Sturgeon. Various studies exist that dispute this number as being correct. When the river is operated above an elevation of 1,758 feet, the water table in the surrounding area rises. As a result, farmers in the area lose crops. I argue this action is a significant economic impact.

I feel the U.S. Fish and Wildlife Service should examine a realistic area as part of their economic impact analysis—that is the area in which an economic impact occurs. Before decisions are made that drastically affect communities, all of the factors should be considered.

Mr. REID. I feel that the issues the Senator from Idaho raises are of a concern, and I want to work with him to see that a solution is found.

Mr. DOMENICI. The Endangered Species Act has also significantly affected areas of my State. I want to work with the Senator from Idaho to find a solution to this issue and provide help for the affected communities.

FUNDING FOR THE GREEN BROOK SUB-BASIN PROJECT

Mr. TORRICELLI. Mr. President, the fiscal year 2002 energy and water appropriations bill provides appropriations for many important water resources projects for the state of New Jersey. I understand that these appropriations were made with limited funds and I am deeply grateful for the support the Committee has provided to many of my requests. However, there is an important New Jersey project that was not fully appropriated and we respectfully ask the managers that if funds should be made available during conference, that they consider fully funding the President's budget request for the Green Brook Sub-Basin.

As you may know, flooding caused by Hurricane Floyd in 1999 caused tremendous damage to the state of New Jersey—especially to the town of Green Brook and the surrounding region. It is estimated that the flooding caused \$6 million of damage to the region alone. Unfortunately, the floods from Hurricane Floyd were not the first to have struck the area. Records have shown that floods have continuously struck this area as early 1903. Disastrous flooding to the basin in the summer of 1971 and in the summer of 1973—in which six people were killed.

The Green Brook Sub-Basin project, which is located in north-central New Jersey and spans throughout three counties, began in 2000. The project will construct flood levees and flood walls, bridge raisings, closure struc-

tures, individual flood proofings, and buyouts. As you can imagine, the completion of this project will provide needed relief and bring economic revitalization to the region.

The House of Representatives has already fully funded the project for fiscal year 1002.

Mr. CORZNE. Mr. President, I support my colleague from New Jersey's request and on our behalf, we would like to raise an additional issue with the project. We also urge that the Committee Report language that directs the Secretary of the Army to implement the locally requested plan in the western portion of Middlesex County with regards to the Green Brook Sub-Basin projects to be included in the Energy and Water conference report. Many of the local residents that are affected by the Green Brook Sub-Basin project have expressed their interest in changing the project to include buyouts for this area. The report language will implement the change as well as provide lands for badly needed recreation and as well as fish and wildlife habitat enhancement. We are support this language and the House has included similar language in their committee report.

Mr. TORRICELLI. Mr. President, I understand the difficulty the managers will have in providing additional funds for the Green Brook Sub-Basin project. However, the full funding of this project will provide stability and economic revitalization to this very important region in the state of New Jersey.

Mr. REID. I thank the Senators from New Jersey and assure him that the committee will closely review his request.

SEWER INFRASTRUCTURE FUNDING FOR MICHIGAN

Mr. LEVIN. Mr. President, as the Senate considers the fiscal year 2002 appropriations Act for Energy and Water Development I wonder if the distinguished Senator from Nevada would answer a question regarding funding for environmental infrastructure.

I would like to know if the Senator would be willing to consider in conference sewer infrastructure funding for Michigan projects. The need to invest in sewer infrastructure is an urgent one facing the people of Michigan and the Army Corps of Engineers is in a position to address that need. The Army Corps has had many success stories throughout the country in assisting communities in upgrading their sewer infrastructure. I would greatly appreciate the Committee's assistance in protecting water quality in Michigan by addressing this problem.

Mr. REID. We recognize the need to upgrade our aging infrastructure to protect water quality throughout the Nation. I can assure my friend that we will carefully consider his request in conference if indeed the Conference committee is able to fund construction new starts and environmental infrastructure projects at conference, as we have done in the past.

Mr. LEVIN. I thank my friend from Nevada and the committee for their hard work in putting together this important legislation.

#### SOUTH DAKOTA WATER PROJECTS

Mr. JOHNSON. I thank the Senator from Nevada for his leadership and cooperation in providing funding in the fiscal year 2002 Energy and Water Appropriations bill for key South Dakota rural water projects and priorities. As chairman of the Energy and Water Subcommittee, he has provided funding above the President's request and the House approved level for the Mni Wiconi Rural Water Project and the Mid-Dakota Rural Water Project. Moreover, the Senator funded other important water projects in South Dakota such as the Lewis and Clark Rural Water System. Indeed, his commitment will benefit many South Dakotans.

Mr. REID. I say to my colleague from South Dakota that I appreciate his efforts to work with me on this bill. As a new member of the Senate Appropriations Committee, I know the Senator is a leader in advocating increased investments for rural water projects in your State. I also understand the importance of rural water projects to the citizens of South Dakota and I look forward to continued cooperation on these and other priorities.

Mr. JOHNSON. I thank the Senator from Nevada for his assistance and recognition of South Dakota's rural water needs. Despite the high priority given to provide funding for these South Dakota water projects, two critical items remain important to me as the Senate works to complete action on the FY02 Energy and Water Appropriations bill in its upcoming conference with the House of Representatives.

First, the Mid-Dakota Rural Water Project is in need of an increase in funding to ensure the timely delivery of safe, clean, and affordable water to citizens and communities served by that project. Second, the James River Water Development District—a subdivision of State government in South Dakota—requires funding to complete an Environmental Impact Statement on authorized projects along the James River watershed before the JRWDD can commence continued channel restoration and improvements authorized by section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4128).

I respectfully request the Chairman's committing to review opportunities in conference committee negotiations on the FY02 Energy and Water Appropriations bill to consider additional funding for the Mid-Dakota Rural Water System and to consider funding for the JRWDD to complete an EIS.

Mr. REID. I express to Senator JOHNSON my desire to consider opportunities in conference committee negotiations on the FY02 Energy and Water Appropriations bill to increase funding for the Mid-Dakota Rural Water Project and to fund the James River

Water Development District in South Dakota.

Mr. JOHNSON. I thank the Senator.

#### ESTUARY RESTORATION ACT

Mr. CHAFEE. Mr. President, I would like to engage the managers of the fiscal year 2002 Energy and Water Development Appropriations bill on the issue of funding for the Estuary Restoration Act. Along with Senators WARNER, LIEBERMAN, and SMITH of New Hampshire, I have offered an amendment that would provide \$2 million in funding for the implementation of the Estuary Act. Enacted last year, this bipartisan law establishes the Estuary Habitat Restoration Program with the goal of restoring one million acres of estuary habitat. We understand the budgetary constraints that the Appropriations Committee is operating under as this bill is being considered by the Senate. It is my hope that the managers can identify funding for the implementation of the Estuary Restoration Act during the conference with the House.

Mr. DOMENICI. I commend Senators CHAFEE, WARNER, LIEBERMAN, and SMITH of New Hampshire for their dedication to the issue. I will work with my colleagues during the conference with the House to identify potential sources of funding for the Estuary Restoration Act.

Mr. REID. I concur with Senator DOMENICI. There is no objection on this side of the aisle to the Senator from Rhode Island's request.

Mr. CHAFEE. I thank the Senators and look forward to working with the committee to provide funding for the restoration of our Nation's important estuary environments.

#### SMALL WIND PROJECTS

Mr. JEFFORDS. Mr. President, I thank my colleague from Nevada, Senator REID, for recognizing the important role small wind projects play in our energy future. As my colleague knows, the State of Vermont has been looking at the use of small wind projects. I appreciate the efforts of my colleague to provide \$500,000 for a small wind project in Vermont.

Mr. REID. Small wind projects are an important source of energy for rural areas that often are not connected to the electricity grid. Both Vermont and Nevada have a number of these areas that benefit from this reliable, sustainable, clean source of energy.

Mr. JEFFORDS. To ensure that these systems, which have power capacities of less than 100 kilowatts, continue to play an important role, the committee recognized the need for a set aside for small wind programs. It is correct that the committee believes that not less than \$10 million shall be made available for new and ongoing small wind programs?

Mr. REID. This is correct. The committee believes this research is important, and the Department of Energy should set aside no less than \$10 million for these programs.

Mr. JEFFORDS. I thank my colleague for his support of these impon-

tant small wind energy projects, and I thank him for his continued leadership in making sure that renewable energy will be a large part of our energy mix.

#### TRANSMISSION RELIABILITY

Mr. DORGAN. Mr. President, I rise to express my strong support for the electric energy systems and storage program that funds transmission reliability. Improving the reliability of our Nation's transmission system is absolutely critical. I note that while the President's budget request substantially cuts funding for this critical program, the Senate has increased the funding from approximately \$52 million last year to \$71 million this year. Transmission reliability is critical to ensure that our nation's electricity supply actually reaches states and, ultimately, the homes and businesses where it is needed. We have seen in California, New York, and elsewhere, that when we don't have sufficient supply and transmission capacity, we experience blackouts and brownouts that have significant detrimental impacts on our economy.

We need to use this money to test new technologies—specifically Composite Conductor wire—that have the ability to dramatically increase the efficiency of existing transmission wires. This type of wire eliminates the need for new wires, new rights-of-way, and new construction, which eliminates siting and permitting problems and related potential environmental impacts. We need to actually test this wire in different climatic and weather conditions to determine the efficacy of using this technology on a larger scale. To this end, I would suggest to the Subcommittee that it provide funds to actually conduct field tests to achieve these objectives.

Mr. REID. I agree that we need to conduct such field tests. I know that the Senator from North Dakota would like a field test in North Dakota, which would be extremely valuable, with the State's cold and wind conditions, to help determine the effectiveness of this technology. I will work with the Senator in conference to address his request to test this technology in the field.

#### RENEWABLE ENERGY RESEARCH

Mr. ALLARD. Mr. President, I thank the Senator from Nevada, and I commend him for his efforts to promote the advancement and progress of renewable energy sources that will help to address our energy challenges. He has been a leader of these efforts, which are bearing real fruit.

This bill actually increases renewable energy research, development and deployment programs for fiscal year 2002 by \$60 million over last year. These increases will help speed the deployment of these cutting-edge technologies.

But because the House had not fully funded certain solar R&D programs, the committee put its emphasis for solar programs on those programs that had not fared as well in the other

Chamber. These programs, the Concentrating Solar Power program, and the Solar Buildings program with its innovative Zero Energy Buildings initiative, are now on solid footing. But the photovoltaics program, the program that has led to dramatic advances in those solar electric panels that we see popping up on the roofs of homes and businesses across the country—this program was not fully funded by the Committee. Much of this funding goes to the National Renewable Energy Lab in Golden, Colorado.

I understand the committee hopes to accept the House number for PV programs in conference, and I just want to give the Senator from Nevada an opportunity to speak to this issue.

Mr. REID. I thank the Senator from Colorado. Yes, it is our intention to seek the House funding level for photovoltaics in conference, and push for our funding level for CSP and solar buildings. All three solar programs deserve increases from the current fiscal year, and we intend to see this through in conference. I thank the Senator for his work on this issue and for being a friend of clean, renewable energy programs.

METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT

Mr. CLELAND. I thank the distinguished Senator from Nevada for his leadership on the Appropriations Energy and Water Subcommittee. I would like to ask the Senator from Nevada whether I am correct in my understanding that the reason the Metropolitan North Georgia Water Planning District, a project that was one of my highest priorities because of its importance to the people of my State and its priority with the Governor of Georgia, was not included in the Energy and Water Appropriations Subcommittee report was because of the subcommittee's policy made pursuant to budgetary constraints that new start construction and/or environmental infrastructure water projects will not be addressed until the Energy and Water Development Appropriations Act is considered in conference committee?

Mr. REID. The Senator from Georgia is correct.

Mr. CLELAND. Am I also correct in my understanding that when the Energy and Water Development Appropriations Act is considered by the conference committee that the Metropolitan North Georgia Water Planning District Project will be considered for inclusion in the conference report?

Mr. REID. The Senator is correct that the Metropolitan North Georgia Water Planning District project will be considered for inclusion in the Energy and Water Development Appropriations Act conference report. I will make every effort to accommodate my colleague.

CONSORTIUM FOR PLANT BIOTECHNOLOGY RESEARCH

Mr. CLELAND. Mr. President, is the senator from Nevada aware of an entity called the Consortium for Plant Bio-

technology Research, a national consortium of industries, universities and federal laboratories that together support research and technology transfers?

Mr. REID. Yes, I am aware of the consortium and am familiar with the good work and significant achievements that the consortium has produced for the Department of Energy in the past.

Mr. CLELAND. I understand that the committee was unable to include it in the Solar Renewable Account during its consideration of the energy and water development appropriations bill.

Mr. REID. Yes, I believe that is correct.

Mr. CLELAND. As the energy and water development bill moves into conference, I hope the Senate can identify additional funds in the Solar and Renewable Account or another appropriate research account for the consortium so that it can continue its important work.

Mr. REID. The Senate will do all it can to find these funds for the consortium as we work with the House conferees on the bill.

Mr. ALLARD. I commend my colleague from Georgia, Senator CLELAND, for his work on behalf of the consortium and state my support for the allocation of funding for the consortium in the energy and water development appropriations bill in conference. The consortium, of which the University of Colorado is a member, has an astounding record of obtaining private sector matching support for its research activities and has done an amazing job of commercializing its research product. For every dollar invested in the consortium, \$2.20 worth of research has been conducted with private sector matching funds—an impressive 120 percent private sector match. Additionally, the consortium has managed to commercialize its research within an average of three years, compared to an industry average of about 10 years. Again, I would like to state my support for funding for this unique and efficient national research institution.

Mr. REID. The committee is award of the good work the consortium has produced with Department of Energy funding over the past decade. The Senate will do its best to try and identify funding for the consortium while in conference with the House.

GAS COOLED REACTOR SYSTEMS

Mr. STEVENS. Mr. President, as some Members may be aware, I have supported the development of gas cooled reactor systems, both small and large, for the provision of electric power and useful heat for our cities. As currently envisioned, gas cooled reactors will be meltdown proof, create substantially less radioactive waste and will be more efficient than our current generation of reactors.

Currently, the Department of Energy is funding a joint U.S.-Russian effort to develop the Gas Turbine Modular Helium Reactor for the purpose of burn-

ing up surplus Russian weapons plutonium. This tremendously successful swords to plowshares project is making great technical progress and employs more than 500 Russian weapons scientists and nuclear engineers.

Although the GT-MHR unit built in Russia will be primarily for burning plutonium, that same meltdown proof reactor type can be easily converted into a uranium burning commercial reactor for use around the globe. Indeed, the Appropriations Committee's report notes that "the United States must take full advantage of the development of this attractive technology for a possible next generation nuclear power reactor for United States and foreign markets".

However, the committee's bill does not explicitly provide any dollars for the commercialization of the GT-MHR design.

The senior Senator from New Mexico is a leader in nuclear energy and research. I want to ask my good friend, the Ranking Member of the Energy and Water Subcommittee, the following question regarding the commercialization of the GT-MHR: the "Nuclear Energy Technologies" account in the bill provides \$7 million for Generation IV reactor development and for further research on small, modular nuclear reactors. Given that the federal government is already making a substantial investment on the GT-MHR for non-proliferation purposes, and given the near-term promise of this reactor, doesn't it make sense that at least one-half of the \$7 million provided be used by the Department of Energy for GT-MHR commercialization efforts?

Mr. DOMENICI. I thank my friend from Alaska for his observations and for his question. As the Senator knows, I too am a great fan of the development of the GT-MHR in Russia and indeed, I was the Senator that initiated the first Federal funding for this program. The question is a fair one and I will have to say that his observations and the conclusion he draws from them are correct. I agree that a substantial portion of the \$7 million in funding should indeed be put to good use in commercializing the GT-MHR which is being designed with great cost-effectiveness and success in Russia.

Mr. STEVENS. I thank my good friend from New Mexico for his response. Small modular reactors which are of great potential importance to rural areas and hence of great interest to me. Last year, at my request, Congress provided \$1 million for the Department of Energy to study the feasibility of small modular nuclear reactors for deployment in remote locations. That report is now done and in brief, the Department of Energy has concluded that such reactors are not only feasible, but may eventually be a very desirable alternative for many remote communities without access to clean, affordable power sources.

Importantly, one of the most desirable remote reactor types the Department examined was a reduced sized

version of the GT-MHR called the Remote Site Modular Helium Reactor. Given the outstanding characteristics of this remote reactor as identified in the Department's report and given that the Department is already developing the basic technology via the Russian program, I believe the Department of Energy should focus on further developing the RS-MHR in the upcoming year.

I thank the Senator from New Mexico.

#### NEW YORK-NEW JERSEY HARBOR NAVIGATION

Mr. SCHUMER. Mr. President, there are currently three major federally authorized and sponsored navigation projects under construction in the Port of New York and New Jersey and a fourth in the preconstruction, engineering, and design phase. The projects that would deepen the Arthur Kill Channel to 41 feet, the Kill van Kull Channel to 45 feet, the Port Jersey and New York Harbor channels to 41 feet, are being built. An overarching project called the New York-New Jersey Harbor Navigation project which would take these channels to 50-feet depths is in PED.

These projects are staggered in this fashion only because of the order in which they were authorized. I would ask my colleague from New Jersey if there is any other reason for this segmentation.

Mr. TORRICELLI. There certainly is no policy reason. In fact, each constituent project has passed a cost-benefit analysis, each has been shown to be in the federal interest, and each is subject to the appropriate cost-share consistent with Water Resource Development Act policy. The Port Authority of New York and New Jersey will fund the non-Federal share of each of these projects.

Since the Harbor Navigation Project was authorized last year, the Army Corps and the Port Authority have been working to formulate a plan that would allow these projects to be managed as one in order to provide time and cost savings. They have recently concluded that doing this could result in as much as \$400 million in savings to the Federal Treasury.

But in order to achieve that savings, it is important that we begin looking at joint management of these projects as soon as possible. I ask the distinguished Chairman, if Senators CORZINE, CLINTON, SCHUMER and myself can demonstrate that the Army Corps could achieve substantial future Federal savings by jointly managing all four of these projects, would he assist us in our efforts to secure conference report language that would allow the Corps to manage these projects in this manner?

Mr. REID. I would say to my friends, the Senators from New York and New Jersey, that I am appreciative of their desire to reduce the cost of major Army Corps projects. They know as well as I do that the Corps has a \$40 plus billion backlog of authorized projects. I am concerned about a few

aspects of this request, however. I am concerned that this request would have effects on the WRDA cost-share policy, which requires greater non-federal contributions for navigation projects that go deeper than 45 feet. I would not want the Army Corps to conclude that it could apply the cost-shares for the Kill van Kull, Arthur Kill, or Port Jersey project to the effort to bring about 50-foot channel depths, which require a larger non-federal contribution. I hope the Senators would understand that, as a member of the Senate Environment and Public Works Committee, I could not support appropriations language that would undermine the WRDA policy or the committee's jurisdiction.

Mr. SCHUMER. I would respond to my friend, the distinguished chairman, that the report language we seek will be consistent with the WRDA policy regarding the appropriate cost-share for navigation project. I would also say that we intend to secure the Army Corps' support as well as that of the Senate Environment and Public Works Committee Chairman. We are merely raising this issue tonight because we have not been able to settle this matter yet, and need some additional time.

Mr. REID. In the interest of constructing these projects as quickly as possible and with the greatest savings to the American taxpayer, I would respond to my colleague that we will be happy to consider any such conference report language. I urge him to get it to us as soon as possible.

Mr. TORRICELLI. On behalf myself and the Senator from New York, I thank the chairman.

#### MIXED OXIDE FUEL

Mr. HOLLINGS. Mr. President, I drafted an amendment to the FY02 Energy and Water Subcommittee to delay plutonium shipments to the Savannah River Site until the administration solidifies its commitment to South Carolina to treat weapons-grade material and move them off-site. I understand this may be viewed as an extreme measure, but the result of budget cuts to Fissile Materials Disposition programs by DOE forced the NNSA to abandon a concurrent dual track approach for plutonium disposition and to substitute a risky "layered" approach. Despite administration briefings and testimony before Congress, there remain serious concerns about the disposition strategy contemplated by DOE and significant risk to South Carolina to store these materials for an extended duration, maybe indefinitely, before they are processed.

I fully understand the DOE-wide implications of delaying the closing of Rocky Flats and empathize with my colleague from Colorado's keen interest in closing the site. South Carolina, and other DOE-site states, have been instrumental in assisting Colorado in meeting DOE milestone to close the site ahead of schedule. South Carolina should have a definite timetable for treating waste on site and an identified pathway out, too, just like Colorado. I

am pleased to have the commitment of my colleagues from the Armed Services Committee to assist in addressing the outstanding issues with the fissile materials disposition program. I look forward to working with my colleagues on this issue.

Mr. THURMOND. I join my colleague, Senator HOLLINGS, and express my concern regarding recent developments in the Plutonium Disposition Program. I thank him for bringing this discussion to the floor today.

The Plutonium Disposition Program, particularly the Mixed Oxide Fuel Program is of critical importance to our Nation. There are invaluable national security aspects, including the counter-proliferation mission. In addition, the MOX program can be an important factor in addressing our Nation's energy needs.

I have had many conversations with administration officials on this matter. I received personal assurances from the Secretary of Energy, who stated MOX is his "highest nonproliferation priority." Yet I am still concerned the administration is not fully committed to the Plutonium Disposition Program, leaving South Carolina as a dumping ground for our Nation's surplus nuclear weapons material.

Mr. HOLLINGS. I thank the Senator for his remarks. I would appreciate Senator THURMOND's views on MOX as a primary option for plutonium disposition. Would you also agree that South Carolina should also be provided a concurrent back-up option to MOX?

Mr. THURMOND. I thank the Senator for his question. While MOX should be the primary disposition option, I do agree there should be a backup plan for disposing surplus plutonium. I will work with my colleagues to require the administration to guarantee a back-up plan.

Mr. HOLLINGS. I thank the Senator. I would inquire of my colleague on his views on the cost of not proceeding. Would the Senator agree that not dealing with the existing stockpiles of nuclear materials and oxides found at DOE industrial and research sites will ultimately cost more than the construction of the MOX facility and the Plutonium Immobilization Plant?

Mr. THURMOND. The Senator is correct, the status quo simply does not make fiscal sense. It is my understanding that the cost of the two plants together is less than the cost of current storage requirements, over a comparable time period. In fact, according to a November 1996 DOE report entitled "Technical Summary for Long Term Storage of Weapons-Useable Fissile Materials," building and operating the MOX plant over a 50-year period, is over \$1 billion less than the costs of maintaining the current infrastructure.

Mr. ALLARD. I thank my good friend, Senator HOLLINGS, for allowing me to speak on matter and for compromising on his amendment regarding plutonium disposition. As the Senator

knows, I was opposed to his original amendment and glad to see that a compromise has been reached regarding this very important issue of fissile materials disposition. The Senator's original amendment would have prohibited any funding for the transportation of surplus U.S. plutonium to the Savannah River Site until a final agreement was concluded for primary and secondary disposition activities.

All members with a DOE site located in their State understand how sensitive these issues are to our constituents. But we also understand the importance of the nationwide integration of sites to ensure that DOE can continue to meet all its needs and requirements.

Representing Colorado and Rocky Flats, I was concerned that this amendment could have delayed the shipment of plutonium to SRS by at least 1 year, delaying the scheduled 2006 closure date, costing at least \$300 million a year. As the ranking member of the Strategic Subcommittee on the Armed Services Committee, I was concerned that this amendment could have interrupted the delicate balance of integration between all the sites by delaying shipments from Lawrence Livermore National Laboratory, Hanford, the Mound Site in Ohio to SRS, possibly triggering a chain reaction by other sites to deny SRS waste.

However, I definitely understand South Carolina's concerns regarding the ability of SRS to properly dispose of DOE surplus plutonium. To my colleagues from South Carolina, I strongly support the establishment of a Mixed Oxide Fuel facility at SRS and will do all I can to assist in establishing some form of backup capability at the site as well.

As one member who is sensitive to these concerns, I pledge to work with my South Carolina colleagues on this very important issue, not only for South Carolina, but also for the sake of the entire DOE complex.

I admire Senator HOLLINGS' persistence on this matter and for working with all of us who had concerns. I pledge to work not only with all members who have a DOE site to ensure a smooth and workable integration of sites regarding the treatment and disposal of waste. As chairman and ranking member of the Strategic Subcommittee of the Armed Services Committee, Senator REED and I will have an opportunity to address the plutonium disposition program as part of the FY02 National Defense Authorization Bill. I again thank the Senator for this opportunity to express my concerns and gratitude.

Mr. REED. I thank my colleagues from South Carolina for raising this very important issue. I also want to commend my colleague from Colorado for working with senators from South Carolina on this matter. As the chairman of the Strategic Subcommittee of the Armed Services Committee, I am very interested in ensuring that DOE sites are closed in a timely manner and

that the waste is treated and disposed of properly. I want to assure my colleagues that the Strategic Subcommittee will carefully examine this issue as the Senate Armed Services Committee considers the Fiscal Year 2002 Defense Authorization bill.

Mr. McCAIN. 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. Let me first commend the managers of this bill, the distinguished Chairman Senator REID and Ranking Member Senator DOMENICI, for their hard work in completing the Senate bill in order to move the appropriations process forward.

The bill provides funding 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 energy problems facing our Nation. While I have great respect for the work of my colleagues to complete the committee recommendations for the agencies funded in this bill, I am also disappointed that the appropriators have once again failed to abide by a fair and responsible budget process by inflating this bill with porkbarrel spending. Unfortunately, my colleagues have determined that their ability to increase energy spending is just another opportunity to increase porkbarrel spending.

This bill is 5.8 percent higher than the level enacted in fiscal year 2001, which is greater than the 4 percent increase in discretionary spending that the President wanted to adhere to.

In real dollars, this is \$2.4 billion in additional spending above the amount requested by the President, and \$1.4 billion higher than last year. So far this year, with just two appropriations bills considered, spending levels have exceeded the president's budget request by more than \$3 billion.

A good amount of this increase is in the form of parochial spending for unrequested projects. In this bill, I have identified 442 separate earmarks totaling \$732 million, which is greater than the 328 earmarks, or \$300 million, in the Senate bill passed last year.

I have no doubt that many of my colleagues will assert the need to expend 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 because of politics.

This is truly a disservice to the American people who rely on the Congress to utilize prudent judgement in the budget approval process.

Let me share a few examples of what the appropriators are earmarking this year: additional \$10 million for the Denali Commission, a regional commission serving only the needs of Alaska; \$200,000 to study individual ditch systems in the state of Hawaii; earmark of \$300,000 for Aunt Lydia's Cove in Massachusetts; \$300,000 to remove aquatic weeds in the Lavaca and Navidad Rivers in Texas; \$3 million for a South Dakota integrated ethanol complex; \$2 million for the Sealaska ethanol project; two separate earmarks, totaling \$5 million, for gasification of Iowa Switch Grass; additional \$2.7 million to pay for electrical power systems, bus upgrades and communications in Nevada; \$500,000 to research brine waste disposal alternatives in Arizona and Nevada; and, \$9.5 million to pay for demonstrations of erosion control in Mississippi.

These are just a few examples from the 24-page list of objectionable provisions I found in this bill and its accompanying report.

As I learned during the consideration of the Interior appropriations bill when my efforts failed to cut wasteful spending for a particular special interest project, an overwhelming majority of my colleagues accept and embrace the practice of porkbarrel spending.

I respect the work of my colleagues on the appropriations committee. However, I do not believe that the 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.

I repeat my conviction that our budget process should be free from such blatant and rampant porkbarrel spending. Unfortunately, to the detriment of American taxpayers, the practice of porkbarrel spending has advanced at light-speed in the last decade and shows no sign of abating.

Just look at the numbers.

We have witnessed an explosion of unrequested projects passed by Congress in the last decade. According to the Office of Management and Budget, there were 1,724 unrequested projects in 1993; 3,476 in 2000; and 6,454 unrequested projects this fiscal year.

We all know the direction this spending train is going. Come October, spending bills will be piled-up, frantic negotiations will ensue, a grand deal will be struck, and guess what? Those spending caps we were supposed to abide by will just fade away.

I hope I am wrong.

Mr. BIDEN. Mr. President, I rise to voice my strong support for the Material Protection, Control, and Accounting, or MPC&A, program managed by the Department of Energy to better secure and protect nuclear weapons and materials in the former Soviet Union. I want to strongly urge the House-Senate conference committee for this bill to increase the funding for this important initiative. I call upon the Senate conferees to join with our House colleagues in supporting a \$190 million funding level for fiscal year 2002.

The MPC&A program is often referred to as the first line of defense in safeguarding Russian nuclear materials against potential diversion or theft. From the mundane, such as installing barbed wire fences around sites, to more sophisticated measures like implementing computerized material accounting systems to keep track of nuclear materials, the MPC&A program helps ensure that rogue regimes and terrorist groups do not have access to the most dangerous byproducts of the cold war.

Let me make clear that this program has been considered an enormous success. Various studies and reports have confirmed the cost effectiveness of this program. Simply put, it benefits both Russia and the United States, as well as all the other former members of the Soviet Union.

But our current efforts may not be enough. A high-level bipartisan level headed by former Majority Leader Howard Baker and Lloyd Cutler declared earlier this year:

While the security of hundreds of tons of Russian material has been improved under the MPC&A Program, comprehensive security upgrades have covered only a modest fraction of the weapons-usable material. There is no program yet in place to provide incentives, resources, and organizational arrangement for Russia to sustain high levels of security.

The Baker-Cutler panel goes on to recommend \$5 billion in improvements and upgrades to the MPC&A program over the next 8 to 10 years to accomplish these objectives.

That may be too ambitious an objective given our current budget environment. At the very least, the Baker-Cutler report points to the need to build upon, not cut back, existing funding for the MPC&A program. In testimony before the Foreign Relations Committee in March, Senator, and now Ambassador, Baker offered a personal concern:

I am a little short of terrified at some of the storage facilities for nuclear material and nuclear weapons; and relatively small investments can yield enormous improvements in storage and security. So, from my standpoint, that is my first priority.

I share his well-grounded fear, and I hope my colleagues in both houses will recognize the vital benefits that the MPC&A program contributes to our national security.

Mr. THURMOND. Mr. President, I am pleased to rise in support of Energy

and Water Development Appropriations Act for fiscal year 2002. I believe the Senate has addressed these very complex matters appropriately.

As we all know, this bill funds many significant projects. Of particular significance to me is the critical funding this bill provides for the clean-up activities at our Nation's Department of Energy nuclear weapons sites and more specifically the Savannah River Site (SRS) in my hometown of Aiken, SC. I was disappointed by the administration's proposed budget for these activities, and have indicated so publicly on numerous occasions. At SRS alone, the fiscal year 2002 request was almost \$160 million less than the previous year. This bill provides an additional \$181 million for these crucial cleanup activities and should ensure that SRS will stay on schedule to meet its future regulatory commitments to the State of South Carolina as well as the Environmental Protection Agency.

While I am supportive of most elements of this bill there were some issues which concerned me. Specifically, the report which accompanies this bill included a directive that the Department of Energy transfer the Accelerator for the Production of Tritium (APT) project from the Office of Defense Programs within the National Nuclear Security Administration (NNSA) to the Office of Nuclear Energy, Science and Technology for inclusion in the Advanced Accelerator Applications office.

I disagree with this proposal and will oppose such a move. First and foremost, this is an appropriations bill, not an authorization. The APT program was authorized in section 3134 of the Defense Authorization Act for fiscal year 2000 as a defense program. I wholeheartedly support exploring additional scientific, engineering research, development and demonstrations with this superb technology and I believe this work may yield dramatic advances. However, APT is and should remain a Defense Program. Last year, the Department established a new Accelerator Development effort. This office is "Co-Chaired" by the NNSA's Office of Defense Programs and the Department of Energy's Office of Nuclear Energy, Science and Technology. I have no objections of combining efforts at the Department of Energy where appropriate, however, the primary mission of the APT is, as defined by law, to serve as a backup source of tritium for our nation's strategic arsenal.

Finally, I would like to discuss the Fissile Materials Disposition Programs as discussed in the bill. This bill correctly describes the excess weapons grade plutonium in Russia as a "clear and present danger to the security of United States. . . ." I believe it is in the best interest of all Americans to move forward with this program expeditiously. I am further pleased that the administration fully funded the Mixed Oxide Fuel Fabrication Facility to be constructed at the Savannah River

Site. Unfortunately, I have recently heard some troubling stories regarding the commitment of the White House to this important program.

The New York Times ran a story this Monday, July 16, 2001 entitled "U.S. Review on Russia Urges Keeping Most Arms Control," which greatly concerned me.

According to the article, while most of the programs initiated in the previous Administration will be retained, "the White House plans to overhaul a hugely expensive effort to enable Russia and the United States to each destroy 34 tons of stored plutonium. . . ." Mr. President, what the White House is discussing here is the Mixed Oxide Fuel Program, known as MOX. This facility is planned for the Savannah River Site.

As you likely already know, the MOX program has an invaluable counter-proliferation mission. Thanks to an agreement with the Russian Government, signed last year, the MOX program will help take weapons grade plutonium out of former Soviet stockpiles, and will also divert such materials from potentially falling into the hands of rogue nations, terrorists, or criminal organizations. In and of itself, this clearly makes the MOX program worth every penny. Earlier this year I asked Secretary of Energy Abraham where he stands on this program and he responded that MOX is his "highest non-proliferation priority."

Beyond the important national security aspects of this program there are many domestic issues which must be considered in evaluating this program. From the standpoint of providing a much needed source of energy, MOX makes good sense. Presently, there are quite literally tons of surplus nuclear weapons materials stored throughout the Department of Energy (DOE) industrial complex that could be processed in our MOX facility and reintroduced as a fuel for commercial nuclear reactors. Here is the beauty of this program, once MOX is burned in selected reactors it is gone for good. It cannot be used for weapons ever again and there is no more need for storage.

Furthermore, I am convinced that not dealing with the existing stockpiles of nuclear materials and oxides that are found at the six DOE industrial and research sites will ultimately cost substantially more than the construction of the MOX facility. According to the previously mentioned news article, "the administration insists it is still exploring less expensive options." According to a November 29, 1996 DOE report entitled Technical Summary for Long Term Storage of Weapons-Useable Fissile Materials, the costs of maintaining the current infrastructure far exceeds the costs of building and operating the MOX plant according to the current plan. According to the report, the cost for storage of plutonium in constant 1996 dollars is estimated to be approximately "\$380 million per year and the operating cost

for 50 years of operation at approximately \$3.2 billion. The cost is insensitive to where the plutonium is stored at any one of the four sites." The status quo simply does not make fiscal sense.

Perhaps the most critical domestic consideration regarding the MOX program is that it creates a "path out" for materials currently being stored at SRS and awaiting processing as well as those materials that could be shipped to the site and processed there in the future. South Carolina agreed to accept nuclear materials shipments into SRS based on the understanding that an expeditious "pathway out" would exist. Canceling the Plutonium Disposition Program eliminates the "path out." Neither I nor anyone else who represents South Carolina at the Federal or State level is willing to see the Savannah River Site become the de facto dumping ground for the nation's nuclear materials. If the "path out" for these materials disappears, then the "path in" to the Savannah River Site is likely to become muddy. That is bad for cleanup nationwide.

Ambassador Howard Baker and Mr. Lloyd Cutler reached a series of conclusions in their recent report from the Russia Task Force, any one of which justifies aggressive support for the MOX program. However one statement struck me as particularly poignant. Specifically, as stated in the report, "the national security benefits to U.S. citizens from securing and/or neutralizing the equivalent of more than 80,000 nuclear weapons and potential weapons would constitute the highest return on investment in any current U.S. national security and defense program."

I am concerned by the signals coming from the White House. I intend to ask President Bush to publicly support this initiative and put an end to my concerns as well as those of my colleagues and all of the states involved.

In closing, this is a good bill and I am pleased to support it.

Mr. President, I ask unanimous consent to print the New York Times article in the RECORD.

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

[From the New York Times, July 16, 2001]  
U.S. REVIEW ON RUSSIA URGES KEEPING MOST ARMS CONTROLS

(By Judith Miller with Michael R. Gordon)

A Bush administration review of American assistance to Russia has concluded that most of the programs aimed at helping Russia stop the spread of nuclear, chemical and biological weapons are vital to American security and should be continued, a senior administration official says. Some may even be expanded.

But the White House wants to restructure or end two programs: a \$2.1 billion effort to dispose of hundreds of tons of military plutonium and a program to shrink Russian cities that were devoted to nuclear weapons development, and to provide alternative jobs for nuclear scientists, the official said in an interview on Friday. Both these programs have been criticized in Congress.

The review also calls for a shift in philosophy from "assistance to partnership" with Russia.

To do that, the official said, Russia would have to demonstrate a willingness to make a financial and political commitment to stop the spread of advanced conventional weapons and to end its sale of nuclear and other military-related expertise and technology to Iran and other nations unfriendly to the United States.

One administration official said the issue of how to handle Russia's sales of sensitive technology and expertise not only to Iran, Iraq, Libya and others hostile to America was being considered separately by the White House. No decisions have been made yet.

But on those issues, it would be "hard to create a partnership if we think that Russia is proliferating," this official added. "It's not a condition; it's a fact of life."

Administration officials said the recommendation to extend most Administration officials said the recommendation to extend most nonproliferation programs was not conditioned upon Russian acquiescence to the administration's determination to build a nuclear missile shield.

The review covered 30 programs with an annual outlay of some \$800 million. They are a cornerstone of America's scientific and military relationship with Russia. The programs, involving mostly the Pentagon, the Energy Department and the State Department, pay for the dismantling of weapons facilities and the strengthening of security at sites where nuclear, chemical and biological weapons are stored.

President Bush is expected to discuss some of these programs when he meets with President Vladimir V. Putin next weekend. That meeting, in Genoa, Italy, is expected to focus on American plans to build the missile shield, which the Americans admit would violate a longstanding treaty between the two nations.

The administration's endorsement of most of the nonproliferation programs begun by the Clinton administration will not surprise most legislators, given that the administration is now trying to avoid being portrayed as single-minded on national security matters in its pursuit of a missile shield, and as unresponsive to European support for arms control.

Officials said that although cabinet officials had discussed the review's findings, no final decisions on the recommendations would be made until Congress reacted to the proposals. The administration has begun arranging to brief key legislators on the results of its review, which began in April and was conducted by an expert on Russia on loan from the State Department to the National Security Council office that deals with nonproliferation strategy. That office is headed by Bob Joseph.

In interviews, administration officials said the White House would not overlook Russian efforts to weaken the programs by restricting access to weapons plants or by erecting obstacles to meeting nonproliferation commitments. "We have a high standard for Russian behavior," one official said.

The review has concluded that most of the \$420 million worth of the Pentagon's programs—called Cooperative Threat Reduction—are "effectively managed" and advance American interests.

The White House also intends to expand State Department programs that help Russian scientists engage in peaceful work through the Moscow-based International Science and Technology Center, which the European Union and Japan also support, and other institutions.

But some big-ticket programs whose budgets have already been slashed or criticized on

Capitol Hill are likely to be shut down or "refocused," the official said.

Though it is no longer very expensive, another program, the Nuclear Cities Initiative, has already been scaled back by Congress. It was begun in 1998 to help create nonmilitary work for Russia's 122,000 nuclear scientists and to help Russia downsize geographically and economically isolated nuclear cities, where 760,000 people live.

Unhappy with both the cost and the Russian reluctance to open these cities.

Unhappy with both the cost and the Russian reluctance to open these cities fully to Western visitors, Congress has repeatedly slashed money for the program. Under the Bush review, the undefined "positive aspects" would be merged into other programs, and most of the program closed.

The Clinton administration had begun the program to provide civilian work for Russia's closed nuclear cities. The aim was to prevent nuclear scientists there from leaving for Iraq, Iran and other aspiring nuclear powers. Under the program, the Russians would also have to expedite the closure of two warhead-assembly plants and their conversion to civilian production.

"The administration will be missing an opportunity to shut down two warhead production plants if it abandons the Nuclear Cities Initiative," said Rose Gottemoeller, a senior Energy Department official during the Clinton administration. The administration says Russia plans to close those two facilities in any event.

The White House also intends to overhaul a hugely expensive effort to enable Russia and the United States each to destroy 34 tons of stored plutonium by building facilities in Russia and the United States. The program, as currently structured, will cost Russia \$2.1 billion and the United States \$6.5 billion, at a minimum. The administration has pledged \$400 million and has already appropriated \$240 million.

In February 2000, the Clinton administration wrested a promise from Russia to stop making plutonium out of fuel from its civilian power reactors as part of a research and aid package. While Russia was supposed to stop adding to its estimated stockpile of 160 tons of military plutonium by shutting down three military reactors last December, Moscow was unable to do so because the reactors, near Tomsk and Krasnoyarsk, provide heat and electricity to those cities.

Critics said the original program was too costly and was not moving forward. But supporters say the Bush administration should try harder to solicit funds from European and other governments before shelving the effort and walking away from the accord.

The administration insists it is still exploring less expensive options.

The administration has also deferred a decision on a commitment to help Russia build facilities to destroy 40,000 tons of chemical weapons, the world's such stockpile. The first plant has been completed at Gorny, 660 miles southeast of Moscow, but American assistance to build a second plant at Shchuchye, 1,000 miles southeast of Moscow, has been frozen by Congress.

Many legislators have complained that the Russian have not fully declared the total and type of chemical weapons they made, and that they have put up too little of their own money for the project.

In February, however, Russia announced that it had increased its annual budget for destroying the weapons sixfold, to \$105 million, and presented a plan to begin operating the first of three destruction plants. The administration official said this reflected a "significant change" in Russia's attitude towards commitments that "could have an impact on our thinking" about the program.

The Russians hope to destroy their vast chemical stocks by 2012, a deadline.

The Russians hope to destroy their vast chemical stocks by 2012, a deadline that will require that they obtain a five-year extension. But Moscow will not be able to meet even that deferred deadline unless construction begins soon for a destruction installation at Shchuchye.

The Clinton administration, after Congress slashed funds for the project, lined up support from several foreign governments.

Elisa Harris, a research fellow at the University of Maryland and a former specialist on chemical weapons for President Clinton's National Security Council, said the destruction effort could falter unless the Bush administration persuaded Congress to rescind the ban and finally support the program.

Commenting on the review, Leon Fuerth, a visiting professor of international affairs at George Washington University and the national security adviser to former Vice president Al Gore, said, "By and large they are going to sustain what they inherited, which is good for the country."

But the senior Bush administration official said the review did not endorse the Clinton approach. This administration, he said, is determined to "establish better and more cost-efficient ways" of achieving its nonproliferation goals and integrating such programs into a comprehensive strategy toward Russia. He said the White House planned to form a White House steering group "to assure that the programs are well managed and better coordinated."

The PRESIDING OFFICER. Are there further amendments?

Mr. DOMENICI. Mr. President, I have no further amendments. I thank the seven members of the staff on both sides who worked diligently on a very complicated bill. On Senator REID's staff: Drew Willison, Roger Cockrell, Nancy Olkewicz; members of my staff: Tammy Perrin, Jim Crum, Camille Anderson, and Clay Sell.

The Senator's staff has been a pleasure to work with, and I hope mine has. I thank you for the pleasantries and the way we have been able to work this bill out.

Mr. REID. Not only the staff has been a pleasure to work with, but you have been a pleasure to work with.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—97

Akaka	Dorgan	Lugar
Allard	Durbin	McConnell
Allen	Edwards	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchinson	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Domenici	Lott	

NAYS—2

McCain	Voinovich
	NOT VOTING—1
	Ensign

The bill (H.R. 2311), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

The motion to lay on the table was agreed to.

Mr. REID. I move that the Senate insist on its amendment, request a conference with the House, and the Chair be allowed to appoint conferees on the part of the Senate, with no intervening action or debate.

The motion was agreed to and the Presiding Officer (Mr. CORZINE) appointed Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HARKIN, Mr. DOMENICI, Mr. COCHRAN, Mr. McCONNELL, Mr. BENNETT, Mr. BURNS, and Mr. CRAIG conferees on the part of the Senate.

Mr. REID. Mr. President, I asked, along with Senator DOMENICI, the Chair to appoint conferees, which the Chair did. We would like to add to the conferees Senators INOUYE and STEVENS. I ask unanimous consent that Senators INOUYE and STEVENS be added to the list of conferees on the energy and water appropriations bill.

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

Mr. REID. It is the intention of the majority leader now to move to the Graham nomination. The leader indicated there will be a number of votes tonight.

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. SARBANES. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. SARBANES. Mr. President, I inquire what the parliamentary situation is.

The PRESIDING OFFICER. There is no business pending at this time.

THE NOMINATION OF ROGER WALTON FERGUSON, JR.

Mr. SARBANES. Mr. President, I want to speak briefly with respect to the nomination of Roger W. Ferguson to the Board of Governors of the Federal Reserve System. I understand later today at the appropriate time we will be taking up the Ferguson nomination. As I understand it that will be after the Graham nomination. This seems an opportune time to take a moment or two because, presumably, at the time we vote people may be in somewhat of a hurry to draw our business to a conclusion.

The nomination of Roger Ferguson was reported out of the Banking Committee on July 12 with one dissenting vote in the committee. He is currently a member of the Federal Reserve Board. This would be for another term on the Board, a reappointment. He was nominated for another term by President Clinton in 1999, but action was not taken on that nomination so it simply remained pending, although he continued under the applicable rules that govern membership on the Board of Governors, to serve on the Board. In the first part of this year, President Bush resubmitted his nomination to the Senate for membership on the Board of Governors of the Federal Reserve System for a term of 14 years, which is the standard term for members of the Board of Governors.

I simply want to say to my colleagues that we think Mr. Ferguson has done a fine job as a member of the Board of Governors of the Federal Reserve System. He has assumed a number of areas of prime responsibility in the workings of the Board. We think of the Board primarily in terms of its monetary policy decisions, but of course the Board has a whole range of other responsibilities that affect the financial system of the country. There are many day-to-day responsibilities.

Roger Ferguson has been an integral part of the Board's activities. He is spoken of very highly by those who watch the Board and by the members of the Board themselves, including the Chairman. He has also assumed a special responsibility to work on the question of diversity in the Federal Reserve System in terms of its employment and membership practices. In fact, at his hearing we asked him some questions on that subject on the basis of a communication we had received from members of the minority caucuses in the House of Representatives. He was quite forthcoming in his responses and underscored the effort they were making