

slogans—"When the Iraqis stand up, we stand down." But a slogan is not a plan, and the American people and this Congress should demand a plan.

That is the essence of the Levin amendment. We are not collectively a Commander in Chief. We should not presume to think so. He is responsible for such a plan, and he has to provide, not just to us but to the American people, a sense that there is a plan that is leading to an outcome which is successful in a timeframe which is feasible. What the American people are seeing, however, is chaos without a plan.

I did not vote to authorize the use of force in Iraq. At that time, my concerns were, after the initial decisive military victory, that we would be swept up in a difficult situation. That is what has come to pass. I thought the cost would be huge then, but I did not expect that we would enter the phase after military operations, the conventional attack, with essentially no plan. That was a surprise to me and a surprise to so many others.

According to an article in the Philadelphia Inquirer, when a lieutenant colonel briefed war planners and intelligence officers in March 2003 on the administration's plans in Iraq, the slide for the rebuilding operations or phase 4-C, as it is known in the military, was simply this: "To be provided." We are still waiting. We are still waiting for a plan that works, that is measurable, and that will give the American public the confidence that our course ahead will lead to success.

We all know in February of 2003 when General Shinseki was asked about the troop strength we needed there, he said several hundred thousand soldiers. He was dismissed—and that is a kind word for the treatment he received. Secretary Rumsfeld said the estimate was "... far from the mark." Secretary Wolfowitz called it "outlandish." In fact, it was very accurate, very perceptive—prophetic, indeed, because after our initial entry into Iraq, after the first days of fighting, it became more and more obvious we needed more troops to, among other things, secure ammo dumps that were prolific throughout the country. Perhaps we have lost that window where more troops will make a difference, but we certainly have not gone past the point where a good plan will make a difference, and we need that good plan.

The Congressional Research Service has summarized dozens of reports and articles, cataloging mistake after mistake. In their words:

The lack of reconstruction plan; the failure to adequately fund reconstruction early on; unrealistic application of U.S. views to Iraqi conditions by, for example, emphasizing privatization policy; the organizational incompetence of the CPA; changing deadlines . . .

Et cetera, et cetera, et cetera.

I could add, a very unwise de-Baathification process and the disestablishment of the Iraqi army. But

the litany goes on and on. It was ad hoc, off the cuff. It was not a plan that worked and it is not working today.

We need this plan. That is what the Levin amendment calls for. Give us a plan. Not just us, but give the American people a plan. We have made progress in Iraq. We have had elections. But that progress is fragile and reversible. We have to have a coherent way ahead. And again, hope is not a plan.

This amendment is not, as some would characterize it, cut and run. It asks the President to lay out conditions. It asks to define a mission. It asks to catalog the resources necessary. Then it anticipates—and I think this is prudent—that we would have a phased redeployment of troops.

Just today, in London, Prime Minister Blair talked about British troops coming out next year, 2006. Jalal Talabani, the Iraqi President, said the troops are coming out in 2006. British Defense Secretary John Reid—no relation—said that we are likely to see troops come out next year if conditions allow. So the idea of looking ahead with a good plan and making a good-faith estimate as to troop levels seems to me the appropriate thing to do. It is a campaign plan. It is a campaign plan which will give us an idea of how long we will be there.

We need not simply to reflect what is happening on the ground in Iraq. We cannot sustain indefinitely 160,000 American troops in Iraq.

It will bring our land forces, our Army, our Marines to their knees. They are overstretched. They have a billion dollars of built-up maintenance on helicopters and vehicles. And the personnel turmoil is excruciating. We owe it to them to have a plan. And we must be able to show how we are paying for this plan.

This plan would also ask the President to talk about a definition of "success," talk about the conditions, talk about situations which would cause those conditions to be reevaluated. The Levin amendment is asking for the obvious. Show us the way ahead, not in a slogan but in concrete, measurable elements that will constitute a good plan. We have been waiting for 2½ years for such a plan.

What is the mission? It has changed. One of the initial missions was to deny the Iraqi Government weapons of mass destruction. We find they had none.

Then, of course, the mission was to root out terrorist insurgents that might be collaborating with Saddam Hussein's regime. The evidence strongly suggests there was no such material collaboration. But today there are thousands of hardened terrorists that we are in the process of rooting out—after the attack, not before.

Then, of course, there was the mission of creating a democratic oasis in Iraq that would be transformative of the entire region.

Is that still the mission? If it is the mission, we are going to need many decades, billions of dollars, and to mo-

bilize the strength of this country, not just militarily but for technical and political assistance, and we haven't done that.

The President doesn't suggest—from everything I have heard and from everything I have seen—that he intended to do that.

What is the mission? What are the resources? We are spending about \$4 billion to \$6 billion a month in Iraq and Afghanistan. How long will we spend that much money, and when we finish how much will we have to spend to reconstitute our equipment, to reorganize our troops? Tell us. It is important because we make decisions on this floor that are based upon assumptions about how much we will be spending years ahead in Iraq, and we have to have those numbers. We need the conditions. More than that, we need all this tied into our troop strength in Iraq.

That is essentially what the American people are looking at very consciously.

How long will their sons and daughters be committed to this struggle?

I believe we have to succeed, and I am here because we can't succeed without a coherent plan, not one that is made up of slogans and good intentions but one that is premised on real conditions, hardnosed, and something that will help us and help the American people to understand our commitment and help us to succeed in that commitment.

I hope very strongly that the Levin amendment is agreed to. The Republican counterpart makes a few changes, but the critical change is it essentially takes out the notion of a plan.

The opposing amendment would strip out something vital in the Levin amendment; that is, a campaign plan that would help show, project, the phased redeployment of American troops. I think that is essential.

If Tony Blair can speak off the cuff in London today about the phased withdrawal of British troops, and Talabani, the Iraqi President can do it, and John Reid, the Defense Secretary of Great Britain can do it, then certainly the President of United States can do it. And we ask him to do it. In fact, if we agree to this amendment, it will require him to do it.

I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. THOMAS). The hour of 4:30 having arrived, the Senate will proceed to the consideration of the conference report to accompany H.R. 2419, which the clerk will report.

The legislation clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2419, making appropriations for energy and water development for the fiscal year ending

September 30, 2006, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of November 7, 2005.)

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided between the bill managers, with 15 minutes under the control of the Senator from Arizona, Mr. MCCAIN, and 15 minutes under the control of the Senator from Oklahoma, Mr. COBURN.

DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, I think we indicated last week that while the time is limited, as it had been prior to this point in terms of debate on the Iraq amendments, there would be time either on the amendments themselves or in morning business tonight after the vote. There is a very limited period of time under the unanimous consent agreement for tomorrow. We had hoped that could have been expended, but apparently there is no agreement to that.

I remind colleagues who have not had a chance to speak on the Iraq amendments which are pending that the best time to do that, given the very limited time remaining on tomorrow on these amendments, would be after the vote on the appropriations bill tonight.

I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I ask unanimous consent that 5 minutes of my time be reserved intact prior to the vote at 5:30, and I object for the other side.

How much time remains, and how is it allotted?

The PRESIDING OFFICER. Each side has 10 minutes at this time, and there are four Senators to equally divide the 10 minutes. Each of the four Senators has 10 minutes. The vote will be 40 minutes from now.

Mr. DOMENICI. I didn't understand. Do we know the names of the Senators? REED, DOMENICI.

The PRESIDING OFFICER. And Senators MCCAIN and COBURN.

Mr. DOMENICI. All right.

I ask consent to call up conference authority to accompany H.R. 2419 and ask it be considered.

The PRESIDING OFFICER (Mr. ISAKSON). The report is before the Senate.

Mr. DOMENICI. Mr. President it is my pleasure to bring the Energy and Water conference report for fiscal year 2006 to the floor for consideration.

The bill provides \$30.495 billion, consistent with the conference allocation and \$748 million above the request and the House level and budget request and \$750 million below the Senate allocation. This bill is a product of extensive compromise on both sides.

U.S. Army Corps; \$5.38 billion: +\$636 million above the House, \$84 million above the Senate and \$57 million below fiscal year 2005 levels and +\$1.05 billion above the request.

In the wake the hurricanes, this budget rejects the direction of the President's proposed budget. It is clear that we need to invest more in critical water infrastructure, not less.

This also funds an \$8 million study to investigate various storm protection needs for New Orleans and vicinity, as well as \$10 million for the Louisiana coastal area.

The report does not provide for the supplemental needs of Louisiana, Mississippi, Texas or Florida, nor does it repay any of the projects that have been tapped to support the Corps' post hurricane operations. The Congress will address this as part of the emergency supplemental.

Bureau of Reclamation \$1.06 billion. This is: +\$53.5 million above the House, -\$16 million below the Senate, +\$114 million above the request.

Mr. President—\$24.29 billion is provided to the Department. This is \$76 million above the request and consistent with fiscal year 2005 levels. NNSA received \$9.196 billion. This is \$217 above fiscal year 2005 levels and \$200 million below the request, \$348 million above the House and -\$250 below the Senate.

The Conferees have agreed to increase funding for the Reliable Replacement Warhead Program. This innovative approach is intended to challenge weapons designers to enhance the existing warheads to improve the safety, surety and manufacturability.

The conference agreement provides no funding for a modern pit facility. I do not believe the administration has made the case that this costly new project is necessary at this point. The Department must focus on improving the manufacturing capability of pits at Los Alamos rather than experimental activities.

Lab Directed Research and Development, LDRD. The bill increases the LDRD amount to 8 percent. As an experiment, it applies overhead costs, but also ensures that overall LDRD funding does not fall below the 6 percent overall.

NNSA's Office of Nuclear Nonproliferation is provided \$1.63 billion. This is a slight decrease below the President's request. However, the conferees were able to provide needed funding for key nonproliferation programs.

Mr. President, \$220 million is provided to initiate construction of the mixed oxide conversion plant at Savannah River Site in South Carolina this fiscal year. This level of funding will

permit the Department to move ahead with construction in fiscal year 2006.

The conference report provides \$309 million, an increase of \$42 million above the request and \$85 million above fiscal year 2005, for the Nuclear Detection Research and Development account. This is critical funding provided to the labs to stay a step ahead of terrorists and other threats.

The conferees provide \$427 million, an increase of \$83 million, to protect nuclear materials in Russia that was negotiated as part of the Bratislava Summit in February 2005 between President's Bush and Putin.

This will allow the administration to secure several new Russian weapons sites that have previously not been open to the U.S. to make critical security upgrades to protect Russian nuclear warheads. Russian sites have traditionally been poorly protected despite the fact that the sites store nuclear warheads.

The conferees provide the Office of Science \$3.63 billion, an increase of \$170 million above the request. The conferees provide an additional \$30 million for advanced computing at Oak Ridge.

Fossil Energy R&D will receive \$597 million, up \$26 million from fiscal year 2005 and \$106 million above the request. The conferees defer the use of \$257 million to be used to support the construction of the FutureGen coal plant.

The conference report provides \$1.8 billion for Energy Supply and Conservation research and development. This is \$24 million above fiscal year 2005 and \$81 million above the request.

For fiscal year 2006, the conferees have provided \$240 million for weatherization assistance. This is a \$15 million increase above the request and will provide important funding to offset rising energy costs this winter.

In fiscal year 2006, the conferees provide \$7 billion in funding for environmental management activities. Within this amount the defense cleanup activities receive \$6.19 billion, an increase of \$177 million above the request.

Yucca Mountain is facing serious delays regarding the filing of the license application and the EPA established radiation standard. In addition, this facility will be too small to address all our Nation's spent fuel and defense waste needs.

We need to find ways to reduce the amount of spent fuel to be sent to the repository and encourage the Department to find ways to do more through spent fuel recycling.

Recently, the Secretary of Energy Sam Bodman outlined his vision for the future of nuclear power, which includes investment in commercial spent fuel recycling and to minimize the proliferation threats.

The conference agreement provides \$50 million for the Denali Commission, an increase of \$47 million over the President's request.

The conference agreement provides \$65 million for the Appalachian Regional Commission, consistent with the President's request.

The conference agreement provides \$12 million for the Delta Regional Authority.

The conference agreement provides a total budget of \$734 million for the Nuclear Regulatory Commission, the same as the Senate bill and is \$41 million above the request. NRC is charged with new security investigations, as well as supporting the filing of new reactor license requests.

The conference report provides \$5.4 billion for the Army Corps of Engineers. This is approximately \$57 million less than enacted in fiscal year 2005.

The conference report provides \$1.05 billion more for the Corps than was proposed by the budget request. It also includes \$636 million more than the House Bill and \$85 million more than the Senate bill.

This significant increase signifies a congressional commitment to restore our aging water resources infrastructure.

For too long we have not provided sufficient resources for our water infrastructure and we are now paying the price.

Navigation channels are not being dredged, which limits commerce.

Preventive maintenance is not being performed, resulting in unscheduled outages of projects.

Construction of new infrastructure is being delayed and constructed inefficiently due to funding constraints.

Studies of water resource needs are being delayed or deferred due to funding constraints.

This conference report attempts to set us on the right path to recapitalize our water resources infrastructure by providing \$2.4 billion for construction projects and \$2 billion for Operations and Maintenance of existing projects.

Some of the construction highlights of the bill include: All of the Dam Safety projects are funded at the Corps' full capability; \$90 million for continued construction of the Olmsted Lock and Dam; \$101 million for continued construction of the New York-New Jersey Harbor; \$70 million for continued construction of the McAlpine Lock and Dam, on the Ohio River; \$28 million for continued construction of the West Bank and Vicinity, New Orleans, Louisiana flood control project; and \$137 million for continuation of the Everglades Restoration Projects in Florida.

Some of the operation and maintenance items include: \$24 million for the maintenance of the Tennessee-Tombigbee Waterway; \$62.4 million for operations and maintenance of the Upper River navigation system; \$55 million for operation and maintenance of the Ohio River navigation system; \$17 million for maintenance of the Columbia River jetties; and dredging funds were included for most of our smaller ports and waterways as well.

The Mississippi River and Tributaries Project was funded at \$400 million. This project provides for comprehensive navigation and flood control im-

provements on the Mississippi River and its tributaries below St. Louis, MO.

The conference report includes \$10 million for continued studies of how to restore Louisiana's Coastal Wetlands. Additional funding and authorization for wetland recovery work is included in the administration's emergency supplemental proposal.

The conference bill contains a proviso concerning a comprehensive hurricane protection study for south Louisiana that would afford protection from a category 5 storm surge and would exclude the normal policy considerations in determining the benefits of this protection level.

It is my understanding that previous studies undertaken by the Corps of Engineers balanced the level of protection with the benefits that established policies allowed.

None of the existing studies provide detailed analysis of what is necessary to provide Category 5 protection for south Louisiana.

This study would provide that analysis. In order to expedite the work, the Corps is directed to provide a plan for short term protection within 6 months of enactment, a plan for interim protection within 12 months of enactment and long term comprehensive protection within 24 months of enactment.

This study would rely heavily on existing studies with projections of necessary actions to achieve Category 5 protection. The study would also integrate flood, coastal and hurricane protection measures into a seamless line of protection for south Louisiana.

On August 29, Hurricane Katrina came ashore on the Louisiana and Mississippi Gulf coast. This storm devastated the region.

The conference report does not include funding that has been requested by the administration for hurricane recovery efforts along the gulf coast; rather, these efforts will continue to be funded through emergency supplemental appropriations.

The administration has proposed spending \$1.6 billion to restore the levees to prehurricane strength and make repairs to existing Corps infrastructure located in the hurricane's path.

The conference report provides \$1.065 billion for the Bureau of Reclamation. This is approximately \$47 million more than was enacted in fiscal year 2005.

The conference report provides \$114 million more for Reclamation than was proposed by the budget request. It also includes \$53.5 million more than the House bill and \$16 million less than the Senate bill.

The conference report provides sufficient funding to allow Reclamation to continue their mission of providing water and power to the West.

Some of the major highlights include: \$129.4 million for the various divisions of the Central Valley Project in California; \$52.2 million for the Central Valley Project Restoration Fund; \$34.4 million for the Central Utah Project;

\$56 million to continue construction of the Animas-La Plata Project; \$16 million for the Ft. Peck-Dry Prairie Rural Water System in Montana; \$21 million for the Klamath Project, \$37 million for the California Bay-Delta Restoration program.

These ongoing water resource projects provide benefits to our citizens by making large parts of the western United States habitable.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent to be allowed to use 5 minutes of Senator McCain's allotted time under the UC.

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

Mr. CRAIG. Mr. President, for just a few moments, I rise to recognize the work that has been done on H.R. 2419, the Energy and Water Development Appropriations Act of 2006.

For a good number of years, some of us who work on the physical sciences in the Senate—by that I mean on committees that recognize the kind of research dollars that are applied to new technologies beyond health care, but more in the physical sciences—have been increasingly concerned that we have dedicated almost exclusively all research money to health care, medical science, biological sciences, and not to the physical sciences.

We had once invested heavily in the space program, and for decades it advanced our country beyond all other countries in technology, in all of the high-tech that has led our economy today and is now leading the world economy. Much of that was a spinoff from the early days of the investment in the space program. When few saw the opportunities or the benefits, some in Congress did, and it was well funded.

While I am not standing on the floor in any way to criticize our investment in the biological sciences or health care—and clearly that has advanced technology today well beyond where we thought we could go, and in a much more rapid way to look at cancer and diabetes and other of our chronic illnesses in this country that are causing tremendous problems and death loss—the one thing that has been obvious in tight budget years is that we have not been willing to commit the kind of investment dollars to the physical sciences this bill begins to speak to clearly today. For example, we are spending more money than ever before on nuclear energy, pushing the technology curve once again to become leaders in the world on a technology that we once led on but we let move away. Now for a variety of reasons,

most importantly because of a need for clean energy, we are recognizing once again we have to put the hard dollars back into the technology that takes us beyond the lightwater reactor to the high temperature gas reactor and even beyond that some day, out there 40 or 50 or 60 years to technologies such as fission. That is in part what this budget and this appropriations bill speaks to.

Certainly I come to the floor to thank the chairman of the Appropriations subcommittee, PETE DOMENICI, for his vision, his farsightedness in recognizing and fighting for some of the new money that advances us at our national laboratories that are tremendous treasures to advance these types of technologies. Once weapons laboratories during the Cold War, they are transforming themselves into lead research facilities well beyond what they were a decade or two ago. Clearly, that is true, whether it is in my State of Idaho or in New Mexico or California or in the other States that have the privilege of housing these laboratories and the quality of work they do.

While this conference did not come about easily, while there are many more dollars that could be spent productively to advance our country and our leadership in the world of science, this is a major step in the right direction under tight budget constraints.

I am proud to be a conservative. I believe in balanced budgets. I believe in bringing down deficits. I believe that all parts of the appropriating process have to share in that responsibility. Clearly, we have shared in it in the Energy and Water Development appropriations legislation. At the same time we have worked cooperatively with the House and, in a common cause, advanced a variety of the technologies that are embodied within this appropriations bill that is critically important.

I thank the chairman for the work he has done to advance a variety of the technologies I have spoken to, and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Senator. Let me reciprocate. He, too, is a very significant part and plays a very important role in not only the matters he discussed but many others in this bill. I commend him for it. His State has a magnificent laboratory. They are performing some great activity in terms of the future generation of civilian nuclear power. That is important for our and the world's future.

I take a moment to thank the staff and recognize their hard work, long hours, many discussions: From the majority staff, Scott O'Malia, Roger Cockrell, and Emily Brunini; on the minority staff, Drew Willison and Nancy Olkewicz. Everybody should understand that these appropriations bills are put together by a small, excellent, and professional staff. Some people think that more oversight should

occur. I hope the authorizers will do that. We can't do it in detail. We do our best.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I make a couple of points that I think are worth making on this most important bill. First, I express my appreciation to Senator DOMENICI. He and I have worked on this bill for a long time. When I say "this bill," year after year we work hard to put a bill together. Some years are easier than others. This was not an easy year. It was a very difficult year. We have a lot of Senators who are not happy with what we have been able to do, but we have done the best we can under very trying circumstances.

Our conference allocation is \$750 million above the President's request. Of that amount, \$600 million went to the Corps of Engineers for flood control and navigation projects. This is in relation to the post-Katrina world in which it is certainly obvious why we needed to do this. This is a wise investment of our Nation's resources. The scrutiny of the Corps' activities is only going to increase in coming years. So it is imperative that they conduct themselves in a completely open and transparent manner moving forward.

Unfortunately, the result of placing such a high priority on flood control is that important programs of the Department of Energy are essentially flat. This will not be an easy year for renewable and energy-efficient programs, the Office of Science, or the critically important environmental cleanups at nuclear weapons sites nationwide. We must do better in future years. In fact, we have to find more resources for these important activities.

Secondly, this conference report is the product of thousands of compromises, not hundreds. None of the four principal subcommittee conferees agrees with every provision contained in this conference report, and that is an understatement. For example, as far as I am concerned, we are carrying a small amount of funding and some report language directing the Department to set a nationwide competition to see if there is a State out there willing to voluntarily accept a spent fuel reprocessing facility. While I have always supported processing research as a prudent investment, I have never supported moving forward in any way on an actual reprocessing facility for many of the same reasons that I oppose centralized storage—the danger of transportation outweighs the benefits.

However, I completely respect the desire of Chairman HOBSON, Chairman DOMENICI, and Ranking Member VIS-CLOSKY to do something—I appreciate and congratulate and applaud each of them—to change the dynamics surrounding what I believe is the failed Yucca Mountain project. I have worked with Senator DOMENICI for many years. He is my friend. It goes without saying

that we have difficulties in this bill, but it is never anything personal. We have communication that is as good as any two Senators in this Congress. It is a good give-and-take process. Senator DOMENICI understands that legislation is the art of compromise. We are both realists. I have been the chairman of this subcommittee on a number of occasions, and he has been the ranking member. We have always worked well together.

I thank both the House and the Senate staff for doing a tremendous job under the most trying circumstances. A lot of times we are at home, in the safety and security of our homes and we have staff members working well into the night, into the morning, trying to come up with a product they can submit to us that we can get through this body. This has been a long, difficult road this year. My hat is off to all the House and Senate staff for sticking with it and bringing forward the recommendations that will be accepted this evening.

On the House side, thanks to Kevin Cook, Scott Burnison, John Blazey, Terry Tyborowski, Tracy LaTurner, Tanya Berquam, Dixon Butler, Peder Morebeer, and Felicia Kirksey.

On the Senate side, thanks to Scott O'Malia, Emily Brunini, Roger Cockrell, and Nancy Olkewicz. I probably shouldn't spend too much time on Drew Willison, but I couldn't spend too much time. What he has done in working to craft this legislation, not for me, not for Senator DOMENICI, not for the Senate, but for the people of this country, words cannot express adequately my appreciation for his good work. No one—I say that without qualification or reservation—knows this bill better than he does. His work is something the American people should understand they have gotten their money's worth from the work he has done. It was a tough year. It is a product we can all be proud of.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. REID. I yield back all of the time I have.

The PRESIDING OFFICER. The Senator yields back his time.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: I know there is another Senator, but if he doesn't come by 5:30, I understand we are going to vote; is that correct?

The PRESIDING OFFICER. If all time is yielded back, the vote will occur at 5:30.

Mr. REID. I have yielded back my time. How much time is left?

The PRESIDING OFFICER. The Senator from New Mexico reserved 5 minutes prior to the vote and has 4 minutes remaining.

Mr. DOMENICI. I must say, if the Senator from Oklahoma isn't here by 5:30, we can't yield back his time, but we are supposed to vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I am not trying to take his time. I am going to speak because I have time. If he comes, I will give him whatever I have.

Senator REID talked about renewables. While we weren't able to do everything in each of the R&D programs, we are over the budget with reference to conservation, wind, biomass, solar, and hydrogen. We are higher than the budget request in each of those. We are pleased about that.

Move over to the nonproliferation budget, which everybody says is terrifically important for our country. That is up. An area which the occupant of the Chair is familiar with, that is the MOX, the mixed oxide, which is a part of nonproliferation but is America's first significant effort in moving ahead with reprocessing. It starts by a giant step at converting plutonium that comes from thousands of nuclear weapons that have been reduced, eliminated, and the plutonium remains. We are trying to convert it. The Savannah River Project has accepted it. While the House had zeroed it out—a big mistake, in my opinion—we were able to fund it by long and hard negotiations. It was one of the items that held this bill up. It is funded not as much as it should be but sufficient to keep this valuable, almost necessary, project going. That is good.

Likewise, there should be no doubt, harkening back to nonproliferation, that the President was right in his budget. He asked for a big increase, while the rest was either zeroed out, slightly reduced. There was an 11 or 12-percent increase. We retained that, and it will now see us make a very major effort in the detection, the cleanup, the safety of items that could proliferate in all the areas, but predominantly in the area of nuclear.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

PROTECTING THE TREATY FISHING RIGHTS OF TRIBES

Mr. INOUE. Mr. President, I rise today to address some lingering concerns about certain report language in the fiscal year 2006 Energy and Water Appropriations Conference Report and to seek clarification. During my many years as chairman and vice chairman of the Indian Affairs Committee, I became acutely aware of the importance of protecting the treaty fishing rights of tribes in the Northwest and spent much time discussing this issue with many of the Northwest tribal leaders. I know that without independent technical data and analyses on the status of salmon and steelhead runs in the Columbia Basin, it will be difficult for them to act professionally as co-managers of the resource. The final conference report contains language directing the Bonneville Power Administration, BPA, to cease funding an important independent scientific research center based in the Pacific Northwest, known as the Fish Passage Center, FPC. The language directs BPA and

the Northwest Power and Conservation Council, NPCC, to transfer the functions of the Fish Passage Center in a way that ensures "seamless continuity of activities" without giving direction about how this transfer should take place.

The Northwest Power Act called for the NPCC to establish a fish and wildlife program. That program has called for BPA to fund the Fish Passage Center for the past 20 years. The data and analyses the center has provided has been invaluable to the States and tribal fishery managers of the Columbia Basin. Can the distinguished chairman of the Energy and Water Subcommittee tell me if this language was in any way intended to supersede the NW Power Act or the specific provisions in the NPCC's present fish and wildlife program calling for a number of key functions to be performed and whether the state and tribal fishery managers will have input into how the center is reconstituted?

Mr. DOMENICI. The premise of the longtime member of the Indian Affairs Committee is correct. We do not intend this language to supersede the Northwest Power Act or the Council's fish and wildlife program. Certainly both the Bonneville Power Administration and the NPCC are expected to work closely with the State and tribal fishery managers in determining a suitable entity that could take over these functions so that the fishery managers, including the tribes, continue to receive independent analyses as they have in the past.

Mr. CRAIG. Mr. President, I appreciate the attention of my colleagues to this regional issue regarding the Fish Passage Center and would like to make a few comments to clarify the intent of the language.

This language is not about treaty rights; this issue is about ensuring accurate data is used in recovering the species. Removal of funding to the FPC does not mean the current functions will disappear. It is my understanding that other institutions in the region now perform most of the data collection and dissemination that is performed by the FPC. Reduced redundancies mean increased efficiency and effectiveness in the regional fish and wildlife program. The end result is a more focused program and the region moves forward toward recovery of the species.

While BPA has contracted the FPC for the last 20 years, many questions have arisen regarding the reliability of the technical data. The Northwest Power and Conservation Council's Independent Scientific Advisory Board, ISAB, issued a report in 2003 in which it raised serious questions about the FPC's analyses. The ISAB said FPC's "basic model and methods of presentation are now inadequate to make confident predictions for management, and other interpretations of the accumulated data are needed." Clearly, I am not alone in questioning FPC's reli-

ability. Data cloaked in advocacy create confusion. False science leads people to false choices. We do not have to choose dams or salmon. They can, and should, continue to coexist.

I am confident the BPA and NPCC will work with the region, both States and tribes, to ensure a seamless transition of functions. I thank the chairman for allowing me to speak on this matter.

MIXED OXIDE FUEL PROJECT

Mr. GRAHAM. Mr. President, I rise today to express my concern regarding the Mixed Oxide fuel project. This project is vital to reduce the threat of terrorists or rogue nations obtaining nuclear weapon materials. By resulting in the disposal of 34 metric tons—64 tons in total—of surplus weapon-grade plutonium, enough for thousands of nuclear weapons, the MOX program helps accomplish one of our most important nonproliferation goals. This plutonium, once converted into fuel for commercial nuclear power plants, is a real "swords into plowshares" program.

Mr. DOMENICI. I have been a forceful advocate of the permanent disposal of the 34 tons of excess weapons-grade plutonium from the U.S. and Russian stockpiles. This material equals the same amount of plutonium as contained in 8,000 warheads. This is the largest non-proliferation effort undertaken by the U.S. and G-8 partners. In the Fiscal Year 1999 Energy and Water bill, I included \$200 million in emergency/funding to provide the initial investment in the Plutonium Disposition program. Excess weapons grade plutonium in Russia is a clear and present danger. For that reason, the committee considers the Department's material disposition program of utmost importance.

Mr. GRAHAM. Despite this importance, the Department of Energy has not requested full funding for this project in the President's Fiscal Year 2004, Fiscal Year 2005 and Fiscal Year 2006 budget request as originally proposed in the report to Congress entitled "Disposition of Surplus Defense Plutonium at Savannah River Site, February 2002." The funding shortfalls will add to the existing 3-year delay caused by the negotiations between the Russian and U.S. Governments regarding liability for the project. However, with agreement between the U.S. and Russia on liability, the administration has no reason not to request full funding in next year's budget. It is vital that in the next budget the administration proposes fully funding the MOX program at a level that will bring this project closer to its original schedule.

Mr. DOMENICI. I agree with the Senator from South Carolina that the administration needs to fully fund this project in fiscal year 2007 and thereafter. Without a viable disposal solution, the cleanup of the Hanford Site and arrangements for decreasing inventories of plutonium at Lawrence Livermore National Laboratory and the

Pantex Plant will cost taxpayers hundreds of millions of dollars annually for storage and related security costs.

Mr. GRAHAM. Never hesitant to support missions in support of our national defense, the residents of South Carolina took considerable risk by allowing shipments of defense plutonium to be sent to the Savannah River Site from Rocky Flats and other DOE sites in advance of the construction of the MOX plant. In addition to supporting DOE's efforts to consolidate plutonium and accomplish the goals of the plutonium disposition program, this agreement greatly assisted DOE's efforts to expeditiously close Rocky Flats, resulting in considerable cost savings for DOE.

In a sign of good faith to the State of South Carolina, language was negotiated between the State of South Carolina and the Federal Government that required the Department of Energy to convert one metric ton of defense plutonium into fuel for commercial nuclear reactors by 2011 or face penalties of \$1 million per day up to \$100 million per year until the plutonium is either converted into the fuel or removed from the State. It has never been the intention of South Carolina to receive penalty payments; the residents of the State simply sought reassurances that weapons-grade plutonium would not remain at SRS indefinitely. South Carolina would not have accepted plutonium without this statute. However, until the plant is operational, it is critical to maintain the protections provided in Section 4306 of the Atomic Energy Defense Act, 50 USC 2566. This is the reassurance the Federal Government gives to South Carolina that it is DOE's intention to see this project through.

Mr. DOMENICI. I recognize the importance of that language. The appropriations bill includes a 3-year delay in the penalty payment language to reflect the delays caused by the Russians in negotiating a liability agreement. This delay does not allow DOE to withdraw support for the program. Any effort to eliminate funding for this project will likely foreclose a disposal pathway for plutonium stored at Savannah River causing the Department to pay the State of South Carolina up to \$100,000,000 per year in fines starting in 2014.

Mr. GRAHAM. It is also my intention to make a technical correction, in the future, to language contained in the conference report to the Fiscal Year 2006 Energy and Water Appropriations Act. This conference report contains a change to important authorizing language that would make these penalty payments "subject to the availability of appropriations." I appreciate the willingness of the Senator from New Mexico to see that this is resolved.

Mr. DOMENICI. I understand the concerns of the Senator from South Carolina. I will work with the Senator to find a fair solution that does not impact existing Department of Energy

programs, and in the event that the Department is unable to meet the statutory requirements for the Mixed Oxide Fuel Conversion facility, the solution ensures that South Carolina does not become the permanent storage site for defense plutonium.

Mr. GRAHAM. I thank the Senator from New Mexico and look forward to working with him to continue to fully support the construction and operation of the MOX facility.

CLARIFICATION ON FUNDS

Mr. DORGAN. I would like to ask the Senator from Nevada, Mr. REID, for clarification on funding that was included in the fiscal year 2006 Energy and Water appropriations conference report. Under the fossil energy research and development section, the report provided \$6,000,000 for the Energy and Environmental Research Center for cooperative research and development. Was it not the intent of the conference committee that the funding identified for the Energy and Environmental Research Center be split with their partners in the fossil fuel research, the Western Research Institute, WRI, in Wyoming?

Mr. REID. That is correct.

Mr. DORGAN. Was it also the case that the \$1,000,000 in funding for the Energy and Environmental Research Center under the fuels & powers account was meant to be exclusively for the Energy and Environmental Research Center in North Dakota as described in the report?

Mr. REID. That is correct.

Mr. DORGAN. I thank the Senator from Nevada.

DEPARTMENT OF ENERGY NATIONAL USER FACILITIES

Ms. CLINTON. First, I want to compliment the chairman and ranking member of the Energy and Water Subcommittee for their hard and successful work in leading the development of the Energy and Water bill that is before the body today. I know it is especially difficult to fund all of the important programs under the jurisdiction of this subcommittee, particularly in light of the significant needs of the Army Corps of Engineers to respond to the calamitous impact of Hurricane Katrina on the lives of so many Americans.

However, it seems to me that the funding pressures faced by the subcommittee resulted in the programs of the Office of Science being funded at a level significantly below the value of these programs to the future security and economic health of the Nation.

When the Senate passed the Energy and Water Appropriations bill, an appropriation of \$419,741,000 was included for the Department of Energy's nuclear physics program, an increase of \$49 million over the President's budget request, according to the Committee on Appropriations' report, to ensure full utilization of experimental facilities. The House-passed bill included an amount of \$408,341,000, also including adequate funds to restore operation

time of the facilities in the nuclear physics program.

The conference report accompanying the bill before the Senate provides \$370,741,000, the amount of the President's budget request. Due to severe budget constraints, the conferees were unable to retain the increases provided in the House and Senate bills for national user facilities, including the increase for the Relativistic Heavy Ion Collider, RHIC, at the Brookhaven National Laboratory in New York and the Jefferson Laboratory in Virginia. I understand the allocation for the conference bill reduced the total amount available. I also understand the Senate-passed bill was about \$1.5 billion above the House bill and that the conference bill allocation provided for a split of that additional amount leaving an increase of \$750 million over the House-passed bill. I further understand that the vast majority of the \$750 million in new funding was provided to the Army Corps of Engineers for flood control and navigation projects in the wake of Hurricanes Katrina, Ophelia, Wilma and others. Under the circumstances, this was a wise investment of our Nation's resources.

However, an unintended consequence of these cutbacks is a negative impact on the Brookhaven National Laboratory in my State of New York, where the Relativistic Heavy Ion Collider, known as RHIC, is a key nuclear physics facility with many user groups in our region and elsewhere. I am told that this amazing major facility will be severely impacted by the amount approved by the conference agreement for nuclear physics. We had urged the Committee to approve additional funds above the President's budget request to ensure the continued operations of this facility at last year's level. The budget request was inadequate to begin with, principally because of the increased power costs that have occurred in our area to operate the facility for experiments for approximately 30 weeks operating time. Unfortunately, the situation with the power costs has worsened.

Mr. WARNER. We are facing similar problems at the Jefferson Laboratory in Virginia. As the chairman knows, the Jefferson Lab in Newport News, VA, is one of our basic research labs that would be negatively impacted by this funding level.

Specifically, as a result of this cut the Jefferson Lab will have to reduce the physics output of this world-leading laboratory by 25 percent. Just last month the National Academy of Sciences issued a report titled "Rising Above the Gathering Storm." That report underscored that the Nation's economic health is seriously at risk without a sustained investment in science. The report noted that in Germany, 36 percent of undergraduates receive their degrees in science and engineering. In China the figure is 59 percent, and in Japan 66 percent. In the United States the corresponding figure is 32 percent.

It seems to me that this is a time when the Nation needs to invest in science, not cut science programs. At the Jefferson Lab we need to invest in the 12GeV upgrade necessary to sustain the pace of scientific discovery, not cut programs.

Mr. SCHUMER. My understanding is that the conference amount for nuclear physics may not provide sufficient funds for the RHIC facility. Because of the increased power costs and other factors, I am advised that without an increase in funding it is possible that there will not be any experimental operations in this fiscal year. I think we can all agree that is a bad and unintended outcome.

Mr. ALLEN. Mr. Chairman, you and Senator REID, the ranking member, have long been strong supporters of our national labs and specifically the work done at the Jefferson Lab and Brookhaven National Lab. The questions that we collectively pose relate to how we can repair the unintended damage done by this funding level. It is my understanding that the actual bill only provides funding for the Office of Science and that the Department has wide discretion to reallocate those funds among the various programs. Does the Department of Energy have the flexibility and authority to move funds around or to reprogram funding to help to alleviate situations such as this?

Mr. DOMENICI. The Department does, indeed, have broad reprogramming authority.

Mrs. CLINTON. I understand that these reallocations or reprogramming usually require approval by the subcommittee. Will both the chairman and ranking member join us, in writing, in an effort to urge the Department to reprogram funds to ensure reasonable operating times for these vital national user facilities during fiscal year 2006?

Mr. DOMENICI. Thank you for highlighting this matter. Senator REID and I agree that the programs of the Office of Science, including nuclear physics, merit appropriate consideration for additional funding under the circumstances. I appreciate the efforts of the Senators to provide examples of the impacts on one of our basic research laboratories of the funding levels provided by this conference agreement. I pledge my efforts to work with the Department and other Congressional leaders to help resolve this issue.

Mr. REID. I also pledge to work with the Department and affected Members of this body to reach an acceptable outcome.

AUBURN DAM

Mrs. FEINSTEIN. Mr. President, I rise to address a provision in the Energy and Water appropriations conference report, which requires the Bureau of Reclamation to produce a special report analyzing costs and benefits associated with constructing an Auburn Dam.

As part of that report, I believe it is critical that the Secretary of the Inte-

rior should utilize the expertise of U.S. Geological Survey to produce an up-to-date assessment of the seismic hazards associated with Auburn Dam.

I would also like to make it clear that this Auburn study cannot become a distraction from the vital work that needs to be done right away to protect Sacramento from a tragic flood.

I am deeply concerned with the lack of adequate flood protection for Sacramento. Sacramento is the only major United States city without 100-year flood protection.

The Army Corps of Engineers has reviewed six other major flood-prone cities: New Orleans, St. Louis, Dallas, Kansas City, Omaha, and Tacoma. All of these cities have at least 200-year flood protection.

Our top priority has to be to quickly shore up levees and improve Folsom Dam to protect Sacramento from a 200-year flood. Until this is complete, 300,000 people are at risk from catastrophic flood.

With respect to the conference provision, there are other issues involved with Auburn Dam, such as who would pay for the project, and the potential environmental effects of flooding 50 miles of the American River. But today I would like to focus on the seismic risk issue.

This is not the first time that building an Auburn Dam has been proposed. In the late 1960s construction began on an Auburn Dam. Construction continued, and \$200 million was spent, until 1975, when an earthquake occurred nearby on a previously unknown fault. This earthquake forced a reexamination of the risks involved.

According to a 1980 Bureau of Reclamation report, if an earthquake caused the Auburn Dam to fail, Folsom Dam would be overtopped by a water surge only minutes later.

Most of the Sacramento area, an area inhabited by 750,000 people, would be flooded in a matter of hours, making evacuation difficult. Floodwater would be fast-moving and as deep as 40 feet, destroying houses and lowering chances of rooftop survival.

The risk of earthquake and its effects, which stopped construction back then, has not gone away. That's why it is so critical that Congress know what the risks are, and take this into consideration when deciding whether to go forward with this dam.

It has now been 30 years since work at the proposed site was halted, and as a result, the seismic risk assessments are out-of-date.

The most recent comprehensive study of seismic hazard issues associated with the dam project was produced by the U.S. Geological Survey in 1996, nearly 10 years ago. Even when this report was written, the science of seismic hazard assessment had already progressed considerably since most of the data on the dam project were collected in the 1970s.

The report called for additional study and analysis, much of which was never

undertaken. This need for study and analysis still exists.

The Auburn Dam, if constructed, would sit on part of the Foothills fault system. The faults in the area of the proposed dam site are currently considered inactive, but were active in the past. The U.S. Geological Survey should use the best science available to evaluate past earthquakes, as well as the potential for future earthquakes, in the vicinity of the proposed dam.

One potential risk comes from a "reservoir triggered earthquake." Filling a reservoir is well-established as a potential trigger for seismic activity. Even inactive faults may experience seismic events after reservoirs are built on top of them.

The weight and pressure of the water in the reservoir increases stress and weakens the effective strength of the rock. Water seeps into fissures and pores in the rock, and may lubricate faults, allowing movement even in some cases where friction would have held dry rock in place.

It has been suggested that the Oroville earthquake, a Richter scale magnitude 5.8 earthquake that occurred in 1975, may have been caused by filling the reservoir behind the Oroville Dam. The Auburn Dam, if constructed, would be built along the same fault system as the Oroville Dam.

Many other instances of these "reservoir triggered earthquakes" have been studied around the world. Recent global reviews list nearly 100 sites where filling reservoirs may have triggered seismic activity.

These studies show that the increased risk of earthquakes may last for years after a reservoir is filled. Both flood-control-only and permanent-waterstorage dams entail some risk.

The 1996 U.S. Geological Survey report for Auburn took this possibility very seriously. The report devoted a lengthy section to its consideration, and called for additional study.

The new report must address this issue. This is essential information that will influence Congress's decision on whether to proceed beyond preliminary feasibility studies. Do my colleagues agree?

Mr. DOMENICI. I understand the 1996 U.S. Geological Survey report called for a reevaluation of the dam design based on seismic data. A reevaluation should be performed using the best available science and the U.S. Geological Survey should produce an analysis integrating new data.

Mr. REID. I also concur. The potential consequences in this region are enormous. In California, assessing earthquake risks for a major project like this is an important part of the process. Concern about the possibility of earthquakes contributed to putting the project on hold in the first place. This concern remains important and should be addressed before deciding whether to proceed. The best way to do this is for the U.S. Geological Survey

to produce an updated analysis on the risks involved.

Mrs. FEINSTEIN. I thank my colleagues.

LAKE SAKAKAWEA RECREATION UPGRADES

Mr. DORGAN. Mr. President, I would like to commend the Senator from New Mexico, Mr. Domenici, and the Senator from Nevada, Mr. Reid, for their work in completing the fiscal year 2006 Energy and Water appropriations bill and conference report. I am aware of the very difficult choices they had to make in order to fall within their tight spending allocation. I appreciate their leadership on this important piece of legislation.

If I could, I would like to ask the Senator from Nevada a question regarding an activity at Lake Sakakawea, a Federal lake in North Dakota operated by the Army Corps of Engineers. For the past couple of years, Congress has asked the Corps of Engineers to extend docks and boat ramps around Lake Sakakawea as a result of the low lake levels.

Is it not the expectation of the conference committee that the Army Corps of Engineers continue its work on these recreation upgrades within the Corps' fiscal year 2006 operation and maintenance budget for Lake Sakakawea?

Mr. REID. It is true that while we were unable to provide funding above the President's request for this activity, the intent of the conference committee was that this activity would continue within its regular operation and maintenance allocation.

Mr. DORGAN. I thank the Senator from Nevada, and I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

FUTUREGEN FUNDING

• Mr. BYRD. Senator REID, I want to thank you for your support and assistance in shepherding this conference report to this point today. I plan to support this bill, but I have a specific point of clarification that I would like to discuss with you regarding the provisions related to the fiscal year 2006 FutureGen funding.

I have not opposed the FutureGen program and have supported the administration's requests for this project over the last 3 years. However, I have and will continue to raise concerns about how this administration is going to fund the FutureGen program when it has not been able to provide adequate and sustained funding for core key fossil research and development programs. This situation appears only more ominous as our budgetary constraints worsen by the year and, adding to that, are new energy programs that were authorized in the Energy Policy Act of 2005 which will further heighten and constrain funding pressures.

The fiscal year 2006 Energy and Water Conference Report provides the \$18 million for FutureGen that the administration has requested. However, even larger funding requests are going

to be required if this initiative is to move forward according to its schedule. It is my understanding that the Congress has deferred \$237 million of clean coal technology funding until fiscal year 2007 and will give full consideration to the administration's funding requests for the FutureGen initiative utilizing these funds. Would it be your expectation that the Congress will only consider the administration's FutureGen requests from the deferred amount contingent upon the administration providing full funding requests for the clean coal and other fossil energy research, development, and demonstration programs, especially the Clean Coal Power Initiative that was woefully underfunded in fiscal year 2006?

Mr. REID. Senator, that would be my understanding and expectation.

Mr. BYRD. I thank the Senator for that clarification. When there are so many other unmet fossil energy funding needs, as I have and will continue to reiterate, I cannot and will not support such a transfer from deferred funds, in whole or in part, to the FutureGen initiative until all other critical fossil energy programs are fully funded to the satisfaction of the Appropriations Committee in fiscal year 2007 and future years. I will certainly consider new moneys requested in the administration's budget request, but I will first prioritize other key fossil energy programs and other needs as a priority above the FutureGen program from deferred funds. This administration has been playing shell games with FutureGen. They have been attempting to rob Peter to pay Paul which is simply masking the underlying problem of continued inadequate funding commitments for other core fossil energy programs.

Would it also be the Senator's understanding that other fossil energy programs have equal, if not greater, funding needs and that there is no guarantee that any portion of the \$237 million in the deferred clean coal technology fund will be transferred to the FutureGen program in fiscal year 2007 or future years. Should the administration or other interested parties expect that the deferred amount will be set aside, in whole or in part, for FutureGen in fiscal year 2007 or beyond?

Mr. REID. Senator, I agree that the administration needs to provide more adequate funding to the fossil energy research, development, and demonstration accounts. I also agree with you that there should be no assumption by the administration, Members of Congress, State governments, or any other parties that there is a guarantee of any funding, including the administration's future budget request for FutureGen will be provided by the Congress, given the austere budget environment that we are in. It is my understanding that \$237 million is deferred and is available in fiscal year 2007 and beyond for a number of pressing fossil

energy funding needs. The FutureGen program will only be given consideration for such deferred amounts if and only if all other critical fossil energy programs are fully funded, especially the Clean Coal Power Initiative. •

Mr. REED. Mr. President, the second storm surge from Hurricanes Katrina and Rita—high energy prices—threatens to overwhelm working families and senior citizens. The Energy Information Administration forecasted that households heating with natural gas will spend \$306, or 41 percent, more for fuel this winter than last winter; households primarily using heating oil can expect to pay \$325, or 27 percent, more; and households heating primarily with propane can expect to pay \$230, or 21 percent, more.

Low-income families and seniors need assistance from the Federal Government in order to guarantee energy security in this high price environment. To provide immediate help this winter, I am working with Senator COLLINS to secure \$5.1 billion in funding for the Low-Income Home Energy Assistance Program. Over the last 4 weeks, we have offered two amendments to increase funding for LIHEAP. While a majority of the Senate supported these amendments, we have been unable to reach the required 60 vote supermajority needed to waive the budget point of order on emergency spending.

Oil companies reported record profits for the third quarter of this year. As oil prices go up, low-income hard working Americans struggle to pay their heating bills. That is why fully funding LIHEAP is vital, and I believe oil companies should help shoulder the cost through a temporary, one-year windfall profit tax on integrated oil companies.

The President also has been silent, failing to ask for any funding for LIHEAP in the supplemental appropriations request he sent to Congress. In addition, Energy Secretary Bodman has repeatedly stated that the administration is against a windfall profits tax.

The Administration's National Energy Policy Report, the National Petroleum Council's report, Balancing Natural Gas Policy, and the National Commission on Energy Policy's report, Ending the Energy Stalemate, emphasized that energy efficiency is essential to managing the nation's short- and long-term energy challenges. Unfortunately, despite all of the agreement, federal funding for energy efficiency is not keeping pace.

In September, Senator SNOWE and I wrote a bipartisan letter signed by 33 of our colleagues urging the Administration to request \$500 million for the Weatherization Assistance Program, WAP, and \$100 million for the State Energy Program, SEP, in the wake of Hurricanes Katrina and Rita. President Bush and Secretary Bodman called on the American people to conserve energy and invest in energy efficiency,

and the American people are responding. I am disappointed that the administration did not seek additional funding for these key programs in their supplemental appropriations request.

Indeed, SEP helps states implement energy efficiency and energy emergency preparedness programs in all sectors of the economy, thereby, reducing energy consumption for residential consumers, schools, hospitals, the agricultural sector, commercial enterprises, and industry. For every Federal dollar invested in SEP, over \$7 is saved in energy costs. SEP funds would immediately be directed to energy efficiency projects to bring energy usage down. Instead of our bipartisan request of \$100 million, the Energy and Water Appropriations Conference Report provides only \$36 million for the program in FY2006. This is almost a 20-percent cut from this year's funding level. This cut means States will not be able to provide rebates to homeowners for energy conservation, schools and hospitals will be ill-equipped to reduce energy usage, and small business will not receive needed energy efficiency upgrades. Basically, every sector of the economy will be harmed in the midst of an energy crisis.

I hope that the Senate will provide more funding for LIHEAP, SEP, and the weatherization program before the worst of the winter season hits.

Mr. BINGAMAN. Mr. President, today we are voting on the conference report for the 2006 Energy and Water Development appropriations Act. On the whole, the conference report contains many items well worth supporting, including funding for a number of important water and energy projects in New Mexico.

Regardless of my support for the report as a whole, I would like to take this opportunity to express my strong concern with a provision inserted into the legislation without any debate, and which I believe represents a setback to sound public policy.

Section 121(b) of the bill is a very short provision addressing endangered species issues in the Middle Rio Grande in New Mexico. It amends an existing law enacted in Public Law 108-447 which holds that a March 2003 biological opinion addressing water operations in the Middle Rio Grande fully satisfies the requirements of the Endangered Species Act, ESA. I had supported the original provision because a thorough review of that biological opinion indicated that it was based on a credible interpretation of the best available science and contained reopeners that ensured the biological opinion would be amended if it failed to meet its objectives.

Section 121(b) goes much farther and provides legal protection to any amendments to the 2003 biological opinion. The result of section 121(b) is that Congress will now take the unprecedented step of providing legal protection to the environmental analysis and decisions of a Federal agency be-

fore we know what the analysis looks like, or have a chance to assess the impacts of any decisions. The ESA requires that any analysis be based on, and reflect the use of, the best available scientific and commercial data. Section 121(b) undermines that requirement and gives the U.S. Fish & Wildlife Service a blank check in issuing a modified opinion that can have far-reaching impacts to both the environment and the rights of water users in the Middle Rio Grande basin.

There are a variety of scenarios that could develop over the next decade necessitating significant changes to the biological opinion. I am very uncomfortable with providing the U.S. Fish and Wildlife Service, or any Federal agency for that matter, unchecked power when it has the potential to significantly impact the rights and interests of so many people. Looking at the bigger picture, I am equally disturbed that Congress, by disallowing any opportunity to challenge a Federal agency, is now effectively casting aside the use of the best available science as the standard by which environmental analysis and subsequent decisions should be measured. I don't think this represents good public policy.

Finally, over the last few years, there has been a commitment by a diverse group of interests in the Middle Rio Grande region to cooperate on creative approaches to address endangered species needs. The goal of this effort is to balance the need for environmental restoration with a recognition of the need to protect the interests of water users who are dependent on the limited supply provided by the Rio Grande. This group, which includes relevant Federal, State, and local entities, is capable of developing workable solutions to any future developments that may necessitate amendments to the 2003 biological opinion. I hope that section 121(b), by eliminating the ability to hold the Federal agencies to an objective standard, does not undermine the efforts of this group or its collaboration on these issues.

Ms. CANTWELL. Mr. President, I rise today to share my views on the conference report to accompany H.R. 2419, the Energy and Water appropriations bill. While I support this legislation, I do have significant reservations about certain provisions of the conference report before the Senate today. Most significantly, I am very disappointed with the funding level included for Hanford Site cleanup.

The Federal Government has a legal and moral obligation to cleanup the Hanford site and its nuclear legacy. The President budget sets the tone for the appropriations process. I was very concerned when the President's request slashed funds by more than \$290 million from last year levels, jeopardizing compliance with cleanup milestones and putting the health and safety of our citizens at risk.

Among the most important risk reduction projects are the cleanup and

treatment of waste stored in underground storage tanks near the Columbia River. At the Hanford site there are 177 underground storage tanks containing more than 53 million gallons of radioactive and toxic waste. Sixty-seven of these tanks are known to have leaked, allowing at least 1 million gallons of waste to seep into the soil.

Tank waste cleanup is critical to the overall effort in Hanford. I am extremely concerned about a recent report from the Department of Energy Inspector General that found significant problems with the administration's plan for tank waste cleanup in the C-Tank Farm. The audit found that the Department of Energy was overly optimistic and failed to account for problems encountered during previous retrieval operations.

The Department has known since January of this year, before the presentation of the President's budget, that the scheduled C-Tank completion date of September 2006 would likely be missed and project costs would more than double. Falling behind on the C-Tank Farm cleanup will jeopardize long term tank cleanup commitments.

Despite those challenges, the Department cut the tank cleanup program by \$62 million in its fiscal year 2006 request. That request forced Congress to work within an incredibly limited budget environment to restore at least some of the funding necessary to keep tank cleanup on track. Fortunately, we could add \$27 million in the conference report.

I remain concerned, however, that the Department has yet to publicly acknowledge that it will miss the C-Tank Farm Tri Party Agreement milestone, nor has it committed to adequate funding in fiscal year 2007. I urge the Department of Energy to quickly respond and propose a new appropriate cost estimate and cleanup schedule.

In order to fully reduce risk we must have the facilities necessary to treat the toxic and radioactive waste from Hanford tanks. The timely construction of the vitrification plant is critical to reducing risk and protecting our citizens. The facility was designed to treat most of the waste removed from the 177 underground tanks before its storage at the Hanford site or a national depository.

But in the face of design challenges, the administration's budget cut funding for vitrification plant construction—setting it at \$58 million less than fiscal year 2005 funding levels. The Department said it needed to reduce funding in order to address the seismic issues with the design of the facility.

Despite both Houses of Congress supporting funding levels for the vitrification plant at least at the President's request level, this conference report reduces funding to \$100 million below the already-low fiscal year 2006 request. This level of funding would be \$158 million less than the fiscal year 2005 appropriations level.

Remarkably, the President has proposed a rescission of an additional \$100

million in previously appropriated vitrification plant construction funds to address hurricane recovery efforts. In his letter to the Congress, the President labeled plant construction as a lower priority Federal program.

This cut comes at the same time that the administration has noted that the cost of the vitrification plant has increased by at least 25 percent. And language in the underlying report estimates that the cost of the plant may rise to \$9.3 billion. Yet this administration continues to cut funding, jeopardizing long-term cleanup milestones.

I urge the administration to drop its proposed \$100 million rescission, set forth a clear cost and schedule for the completion of the vitrification plant, and fund the vitrification plant in a way that does not jeopardize the health and safety of our region.

I do not support the funding levels for Hanford cleanup in this year conference report and hope that the administration will make a clear commitment with its fiscal year 2007 request. The Federal Government must keep its commitment. I hope the current administration will back its words with clear action.

Mrs. MURRAY. Mr. President, I appreciate the work that went into the bill this year, recognizing how difficult it was given the allocation and given the level of support by the administration. I am particularly concerned about some specific levels within the bill, like funding for our Nation's environmental management program within the Department of Energy's cleanup responsibilities. Specifically, the Waste Treatment Plant, or Vitrification Plant, at the Hanford site is one of those nationally important projects. The Hanford site played a critical role in support of national security efforts in World War II and the Cold War. As a result, tens of millions of gallons of radioactive waste was left behind. It is the obligation of the U.S. Government to clean up that site and the Department of Energy identified the Vit Plant as the flagship project in that cleanup effort.

Officials at DOE claim the administration is 100 percent dedicated to the project. Actions speak louder than words. The request for this fiscal year was \$64 million below necessary funding, according to the Department's own out-year projections. On top of that, the supplemental package sent to Congress came with rescissions for "lower-priority" programs including a \$100 million cut for the Vit Plant. How can cleaning up one of the most polluted sites in our country be deemed a lower priority? Given this lack of support from the administration, I understand how difficult the project is to defend this year, and understand the hesitation on the part of this subcommittee to go beyond the official request by this White House.

And while the cuts to the funding are deep, and while I have deep concerns about what they will mean for our Na-

tion's commitment to cleaning up this dangerous waste, I do concede that it could have been worse.

I specifically thank Senator REID and his staff for his last-minute assistance in limiting the cuts to the Vit Plant and I thank the chairman for being receptive. When I met with Senator REID last week, he shared my concern for this project, and together we were able to fight back additional cuts.

I will continue to support the cleanup efforts at the Hanford site.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the fiscal year 2006 Energy and Water appropriations conference report.

One of the most important things about this conference report is a program that it does not fund. The Robust Nuclear Earth Penetrator—also known as the "bunker buster"—is not funded in this bill. I am proud that Congress—for the second year in a row—has stated clearly and unambiguously that we should not spend taxpayer dollars on this program. I hope the administration gets the message and does not request funding for developing this new generation of nuclear weapons next year.

This conference report includes \$327 million for the National Ignition Facility at Lawrence Livermore National Laboratory. This funding means that construction of the National Ignition Facility, NIF, can continue. When it is completed in a few years, the NIF will help keep the United States nuclear weapons stockpile reliable, without facing the dangers of underground nuclear testing. A completed NIF is a key component of the National Nuclear Security Administration's Stockpile Stewardship Program to maintain the safety, reliability, and effectiveness of our Nation's nuclear stockpile. There are also many California-specific needs met in this bill.

I am pleased that the conference report provides \$37 million for the Federal-State partnership for California Bay-Delta Restoration, CalFed. The CalFed reauthorization took considerable effort on the part of many in Congress, but that effort has paid off, in this, the first authorized CalFed appropriations in 5 years. I am grateful to Senator DOMENICI and Senator REID for providing \$2 million over the President's Budget request for this program in the Senate bill and I am pleased that this allocation was maintained in conference with the House.

These funds will contribute to the much needed improvement of California's water supply infrastructure and protection of aquatic ecosystems. Among the elements of a balanced CalFed program that are in progress are feasibility studies on the enlargement of several reservoirs, improved water conveyance, ecosystem restoration, and water quality projects. The improvements we make to California's water infrastructure now will head off a supply crisis with water, similar to the one we faced with energy a few years ago.

This conference report includes funding for specific flood control priorities in California. My State faces a number of significant flood threats. The city of Sacramento, the surrounding areas like Marysville and Rancho Cordova, and the Sacramento-San Joaquin Delta face some of the greatest flood danger in the Nation. Currently, much of Sacramento is below 100-year flood protection. This legislation allocates \$39 million to improve flood control in Sacramento and provides funding to ensure that other regional flood control projects are ready to go to construction next year.

While the funds in this bill are a good start, I will continue to seek additional funding to protect the Sacramento metropolitan area from catastrophic flooding.

The conference report also includes \$5 million for Upper Newport Bay Restoration. Upper Newport Bay is the largest functioning full tidal wetland in southern California. However, the bay's ability to sustain wildlife is threatened due to decades of increasing sedimentation related to rapid urbanization of the watershed. As a result, open water areas are disappearing in the bay, tidal circulation has diminished, and shoaling is occurring within Federal and local navigation channels and slips. This project will restore degraded habitat and reestablish wetland and wildlife habitat areas.

I am also pleased that the conference report includes \$61.65 million, \$11.65 million above the President's Budget request, for the Santa Ana River Mainstem Project. These funds will construct flood control improvements to protect over 3 million people in Orange, Riverside, and San Bernardino counties.

One issue that concerns me in this conference report is a requirement for the Bureau of Reclamation to complete a special report to update the analysis of costs and associated benefits of the Auburn Dam on the American River. I am concerned that the reporting requirements do not include an updated assessment of the risks of an earthquake, risks that are serious enough to have caused the termination of earlier work on the Auburn Dam in 1975.

I again want to express my congratulations to Chairman DOMENICI and Senator REID and want to thank them for the level of support given to California in this conference report.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. BYRD. Mr. President, if the U.S. is to remain competitive and keep pace with its growing energy demands, then we must take stock, as a nation, of our energy security, economic growth, and environmental protection and make these issues top national priorities. We cannot achieve greater energy security with our continued, piece-meal efforts. It is time to devote new innovation and ingenuity to energy policy and blaze a path forward. We must strive to be free

of the chains of foreign oil. To do that, we must seriously invest in the energy resources that we have here at home, and coal should be at the heart of that effort.

The Energy Policy Act of 2005, which I supported and which was signed by the President in August 2005, made many promises to the country on energy policy. To make good on those promises, the administration must be willing to put financial support behind these initiatives. Will this administration do so in subsequent budget requests for the clean coal and many other important energy programs?

The Energy Policy Act of 2005 is only a way station on a long journey and more work remains ahead. It is a start, and I am committed to continuing to work toward that goal. Yet I continue to be concerned about this administration's commitment to funding fossil energy research, especially because new clean coal and other energy programs were authorized in the Energy bill. There is only so much blood that one can squeeze out of a turnip. So where are we going to find the funding for these new programs?

In related matters, H.R. 2419, the fiscal year 2006 Energy and Water Conference Report provides sufficient funding for the fossil energy research and development, R&D, programs for the Department of Energy, DOE. But this effort requires a much more sustained and increased commitment in future years if this Nation is to be successful in going beyond an incremental approach toward new breakthroughs on the use of fossil energy resources. In this conference report, I worked to ensure that there was adequate funding for coal R&D at the National Energy Technology Laboratory, the Nation's premier Fossil Energy Laboratory.

In addition to coal, other energy research investments that must not be overlooked are within the oil and natural gas R&D programs. Oil and natural gas provide 60 percent of America's energy needs, and demand for both will continue to rise, resulting in significant price increases. By 2025, U.S. reliance on fossil fuels is expected to grow from the current 85 percent to 90 percent. But the administration's budget proposal for oil and natural gas technology R&D for fiscal year 2006 was reduced by 75 percent from fiscal year 2005 levels. The administration's fiscal year 2006 budget request was \$20 million for both programs. The funds were to be used to conclude the oil and natural gas programs. The DOE's R&D spending for oil and natural gas has consistently ranked at the bottom of the scale. If the United States is to maintain its ability to produce its domestic supplies for oil and natural gas at a reasonable cost to consumers, then Federal expenditures on R&D must fill some of the void left by the private sector, primarily independent producers.

Furthermore, how is this administration going to fund FutureGen when it has not been able to provide adequate

and sustained funding for other fossil energy programs? The fiscal year 2006 Energy and Water Conference Report provides the \$18 million for FutureGen that the administration has requested. However, even larger funding requests are going to be required if this initiative is to move forward according to its schedule. I stand behind the agreement reached in the conference report, but the Congress will consider its FutureGen requests contingent upon the Administration maintaining adequate funding for other clean coal and fossil energy programs.

When there are so many other unmet fossil energy funding needs, I cannot and will not support the transfer of monies from the clean coal technology account to a FutureGen account. In fiscal year 2007 and beyond, I will not support the transfer of any moneys, in whole or in part, to the FutureGen initiative that are not a part of the administration's request unless and until other critical fossil energy programs are fully funded. This is simply robbing Peter to pay Paul and masks the underlying problem of continued inadequate funding commitments for the fossil energy programs by this administration. There are other fossil energy programs that have equal, if not greater, funding needs.

Additionally, the Clean Coal Power Initiative, CCPI, is a program that was initiated in 2001, to demonstrate the economically and environmentally acceptable use of coal. The CCPI was the successor to the long and successful Clean Coal Technology Program that I initiated in 1985. The CCPI program, if pursued, will continue to lead to the successful development of a set of coal-based technologies that will be cost effective and highly efficient and achieve greater control of air and water emissions compared to currently available technology.

President Bush committed to funding the CCPI program during his first campaign speech made in West Virginia in 2000. The President pledged to provide \$2 billion over 10 years for this program, yet the administration's budget requests have not met that goal. Over a period of 5 years, the President has requested a total of approximately \$530 million, including only \$50 million this year. This is barely more than half of the funding pledged to the program. A great deal more funding will be required in fiscal year 2007 and beyond if the program is to remain on a schedule consistent with the President's commitment.

The DOE is in the practice of issuing a solicitation every other year and has done so twice to date. This practice has been required in order to collect enough appropriations for a single solicitation. While I am fully aware of the fiscal limits we currently face and the immense pressure on the budget, it is crucial that the CCPI reach the necessary funding level in order to initiate a solicitation in fiscal year 2007. The fiscal year 2007 CCPI budget request

must be substantially higher than the fiscal year 2006 request in order to maintain a schedule of solicitations every second year, and I strongly encourage the administration to submit a request in an amount sufficient to initiate a third CCPI solicitation in fiscal year 2007.

Finally, the Office of Fossil Energy has been lacking in leadership for far too long. There remains a strong team in place, along with a new director, at the National Energy Technology Laboratory, but that must be matched with a strong Fossil Energy Assistant Secretary. This position has now been vacant for at least 20 months. This post should be filled by someone who can bring strong technical, policy, and managerial experience and who can work well with a variety of constituencies.

In conclusion, I would like to thank Senators DOMENICI and REID for their leadership and assistance on this conference report. I would also like to thank Senator DOMENICI's staff Scott O'Malia, Roger Cockrell, and Emily Brunini as well as Senator REID's staff, Drew Willison and Nancy Olkewicz for their hard work. This is the first year that fossil energy R&D programs were included in the Energy and Water Appropriations bill. This is a good conference report given the very tough fiscal circumstances that we faced. I have urged Senators DOMENICI and REID to give greater oversight and scrutiny to the administration's fossil energy requests and look forward to working with them on this important matter next year. Because our Nation's energy security is so important, the fossil energy R&D programs, especially the clean coal programs, require strong support. I will remain ever watchful and strongly supportive of them in the coming years.●

Mr. DOMENICI. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico yields back the remainder of his time.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Apparently there is.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

MR. MCCONNELL. The following Senators were necessarily absent: the Senator from Montana (Mr. BURNS), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) and the Senator from Montana (Mr. BURNS) would have voted "yes."

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs.

BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

The result was announced—yeas 84, nays 4, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—84

Akaka	Ensign	McConnell
Alexander	Enzi	Mikulski
Allard	Feinstein	Murray
Allen	Frist	Nelson (FL)
Baucus	Graham	Nelson (NE)
Bennett	Grassley	Obama
Bingaman	Gregg	Pryor
Bond	Hagel	Reed
Brownback	Harkin	Reid
Bunning	Hatch	Roberts
Cantwell	Hutchison	Rockefeller
Carper	Inhofe	Salazar
Chafee	Inouye	Santorum
Chambliss	Isakson	Sarbanes
Cochran	Jeffords	Sessions
Coleman	Johnson	Shelby
Collins	Kerry	Smith
Conrad	Kohl	Snowe
Craig	Kyl	Specter
Crapo	Landrieu	Stabenow
Dayton	Lautenberg	Stevens
DeMint	Leahy	Talent
DeWine	Levin	Thomas
Dodd	Lieberman	Thune
Dole	Lincoln	Vitter
Domenici	Lott	Voinovich
Dorgan	Lugar	Warner
Durbin	Martinez	Wyden

NAYS—4

Coburn
Feingold

Schumer
Sununu
NOT VOTING—12

Bayh	Burr	Corzine
Biden	Byrd	Kennedy
Boxer	Clinton	McCain
Burns	Cornyn	Murkowski

The conference report was agreed to. Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

DEFENSE AUTHORIZATION

Mr. LEVIN. I ask unanimous consent that the Senator from Hawaii proceed in morning business for 5 minutes and then we would turn to the committee bill pursuant to the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. WARNER. Reserving the right to object, and I will not object, I wish to inform Senators that when we return to the bill, I know the distinguished colleague from Michigan and I are going to debate the two amendments that are pending relating to Iraq, one submitted by this side of the aisle and one by that side of the aisle, and then such discussions as the Senator from South Carolina and the Senator from Michigan may have on the habeas corpus issue, will that be dealt with at all tonight?

Mr. LEVIN. I think that is going to be up to the Senator from South Caro-

lina as to what progress he is making on it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We will continue to have a debate tonight on those amendments that are going to be voted on in the morning and such other matters as any Senator wishes to bring up relative to the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We should again put our colleagues on notice that there is very limited time tomorrow morning under the unanimous consent agreement. There was an effort made to extend that time. The effort did not succeed. So there will literally be 30 minutes tomorrow morning equally divided between both Iraq amendments and the habeas corpus matter, which is a very small window of time tomorrow morning. We would urge, I think my good friend from Virginia would agree, that the Senators who wish to speak on either of those matters should make a real effort to get here tonight.

Mr. WARNER. Mr. President, I would only say let us not leave the impression that this side of the aisle is rushing to judgment. This framework of votes and amendments were carefully worked out on Thursday evening. The Senate has been in session since 2 today. There has been quite a bit of activity and opportunity for Senators to speak. I repeat, we are going to continue on shortly after our two colleagues finish.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Hawaii will be recognized for 5 minutes as in morning business.

The Senator from Hawaii.

IN HONOR OF NATIONAL BIBLE WEEK

Mr. AKAKA. Mr. President, I rise today to celebrate one of the most important books in the history of mankind: the Bible. As the Senate cochairman of the 2005 National Bible Week, it is my honor to join the National Bible Association and our Nation's citizens in celebrating the Good Book and its teachings. During the week of November 20 to 27, I encourage everyone to participate in this fine tradition by reading and reflecting on the important lessons of the Bible.

As a child growing up in Hawaii, my parents introduced me to the Bible and it has always played an important role in my life. I turn to it on a regular basis in search of inspiration, guidance and strength. The Bible is a resource of profound but fundamental truths that retain relevance throughout the ages. They are the lessons that serve as the building blocks of good citizens, good families, good communities and good government.

One of my favorite scriptures in the Bible teaches us that God loved us so that He sent us His only begotten Son so that we might live through Him. Be-

cause God so loved us, we ought also to love one another and His love will be perfected in us. In this time of international strife, natural disaster, and political turmoil, this basic instinct of caring for our fellow man, of love for our neighbor, is a good place to begin.

The Holy Bible is one of man's greatest legacies. I congratulate and commend the National Bible Association for its efforts to promote the Good Book and to encourage better understanding of its universal truths among people of all faiths. Aloha ke Akua. God is love.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is the understanding of the distinguished Senator from Michigan and myself that the Senator from Minnesota has a period of time to speak with regard to the bill. Is that our understanding?

Mr. DAYTON. I thank you, Mr. Chairman.

Mr. WARNER. Then the distinguished Senator from South Carolina desires to enter into a colloquy with the distinguished Senator from Michigan relative to the amendments by the Senator from South Carolina. Am I not correct on that?

Mr. LEVIN. If he is ready, I am happy to proceed.

Mr. WARNER. That will immediately follow the remarks of Senator DAYTON.

Mr. DAYTON. I don't want to deceive the chairman. My remarks are related to the remarks of last Veterans Day rather than the bill directly. I ask either that be accommodated or I speak as in morning business for a period of up to 12 minutes.

Mr. WARNER. We are in a period of morning business. The Senator is in no way restricted in what he wishes to address. We thought it was related to the bill, but whatever he desires.

The PRESIDING OFFICER. The Senator from Minnesota will be recognized to speak as in morning business.

IRAQ

Mr. DAYTON. Mr. President, last Friday, on Veterans Day, President Bush attacked those of us who questioned or criticized his conduct of the Iraq war. Once again, he tried to portray his critics as opposing our own troops or aiding their enemies. Once again, he was wrong. Once again, he tried to blame others for his mistakes and for the failures of his policies—mistakes and failures that have trapped 158,000 of America's best and bravest soldiers in Iraq for over 2½ years, since the fall of Saddam Hussein, with no end in sight.

Let's be clear that every person in this Senate supports our troops 1,000 percent. We provided every dollar requested for defense authorizations, appropriations, and supplementals with overwhelming bipartisan and often unanimous support. Some of us have tried to provide more funding than the administration would support for our