I see Senator DASCHLE's. What he does for us, the minority, is extraordinary, as evidenced by the very quick, instantaneous decisions he made in conjunction with you today. You are both to be applauded. This is democracy in action. It is what is good about government.

I also extend accolades to the two of you. I have no military service in my background, but with the love and appreciation and dedication that Senators STEVENS and INOUYE have for the military, and Senator WARNER and others who work for the defense of this country, they see it from a little different perspective than a lot of us because they have seen military action. I think they deserve a great deal of credit.

Senator INOUYE has been ill and has not been here this week, but his spirit has been here. He was awarded the Congressional Medal of Honor. He and Senator STEVENS have guided the military of this country for the last decade as no one in the history of this country, in my opinion. I express appreciation for everyone on our side of the aisle for what these two men do for the military. Senator STEVENS and Senator INOUYE have personally felt the need for this military construction bill, and every word they speak indicates that.

Mr. LOTT. Mr. President, I thank Senator REID, for his comments.

ORDER OF BUSINESS

Mr. LOTT. I want the Senate to be on notice when we return on Monday, July 10, since there was objection to, at least at this time, taking up the Thompson bill freestanding, we will go to the Interior appropriations bill. There will be a vote or votes on that Monday sometime between 5 and 6, presumably around 5:30.

Later today, we hope to still be able to propound some unanimous consent requests. We are still working to see if we can get the Department of Defense authorization bill worked out with an agreement, and conclude that, and Senator DASCHLE and I are continuing to work to see if we can get an agreement on how to take up the estate tax issue. We may still have some more business yet this afternoon. Of course, we are going to also wrap up with some confirmations from the Executive Calendar; specifically, judges that are pending before we conclude our business today.

MORNING BUSINESS

Mr. LOTT. I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each.

Mr. WARNER. Reserving the right to object, could that include, Mr. Leader, the ability of the Armed Services Committee to bring up a package of cleared amendments?

Mr. LOTT. I believe it would.

Mr. WARNER. Could I have that exception written into the distinguished leader's unanimous consent?

Mr. LOTT. I don't believe it is necessary, but I amend my request to that effect.

Mr. WARNER. I wish to advise you, Mr. Leader, working with your staff on this side, working with the Judiciary Committee, that is the only remaining item, together with Senator ROTH and Senator BYRD, who are working on a matter which if we can resolve those two, I believe I can indicate to my distinguished leaders that we could get the unanimous consent.

Mr. LOTT. Thank you very much. I yield the floor.

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

The Senator from Montana

MILCON CONFERENCE REPORT: CLEAN WATER ACT PROVISION

Mr. BAUCUS. Mr. President, I rise to express my strong opposition to a provision, which has been included in the military construction conference report, that prevents EPA from using any funds to implement a new rule to clean up our nation's streams, rivers, and lakes.

Let me explain why this rule is important.

Since 1972, when the Clean Water Act became law, we've made a lot of progress in cleaning up our water, especially with respect to so-called ''point sources'' like sewage treatment plants and industrial plants; the pipe that come out of plants and go into lakes and streams.

But we still are far from reaching our goal of fishable, swimmable waters. That is the standard in the act.

That's where the new rule comes in. It relates to something called ''total maximum daily loads,'' or TMDLS. It is a long, technical-sounding label. But it's a pretty simple concept. A TMDL is really a pollution budget for a watershed. It's like the Clean Water Act version of a State implementation plan under the Clean Air Act.

The TMDL program was actually enacted as part of the original Clean Water Act, way back in 1972. For a long time, it was dormant. But, in recent years, environmental groups have lawsuits requiring EPA and states to implement the program. In virtually every single case, they have won.

In light of this, EPA decided to revise its rules for the TMDL program, to bring them up to date. To begin with, it convened a group of stakeholders, who worked for two years to make recommendations. Then, last August, EPA proposed new rules.

Make no mistake about it. These rules have been controversial.

Like many others, I have been particularly concerned about the proposal to require many forestry operations to get Clean Water Act permits. I thought EPA was taking a long, winding road that didn't end up in the right place.

But EPA has been listening. In response to Congressional hearings and public comments, it has made changes. For example, it dropped the forestry proposal and made other parts of the rule more workable.

As I understand it, the rule has gone to OMB for review, and should be published, in final form, soon.

But then we get this conference report. Out of the blue, it provides that none of the funds appropriated to EPA for 2000 and 2001 can be used to implement the new rule.

I have two major problems with this provision. The first problem is the process by which the provision has been included in the conference report. The process is, in a word, outrageous. Clearly, there are differences of opinion about the TMDL rule. But there are several opportunities for those differences to be debated.

The Environment and Public Works Committee is considering a bill, introduced by Subcommittee Chairman CRAPO and Committee Chairman SMITH, that would, among other things, delay the final rule. The House HUD/VA/Independent Agencies Appropriations bill contains a provision that also would delay the rule.

Of course, there is the regulatory review process we enacted in 1996, that allows Congress to disapprove a final rule.

In each case, we would have a debate. The merits would be discussed. Senators could explain why they believe that the rule should be delayed; others could respond. Then we would have a vote, and the public could judge our actions.

That's not what's going on here. Instead, opponents of the rule have slipped the provision into an unrelated conference report that cannot be amended—no debate, no sunshine, no public knowledge of what is going on. And they have done it on a bill that provides emergency funding for many urgent national needs, so that the President is under strong pressure to sign the bill.

Frankly, I wonder why they have taken this approach. Why not debate, in clear public view? What are they afraid of?

Another thing, by using conference reports this way, we further weaken the bonds that bind this institution together, and reduce public confidence in our deliberative process. This is no way to run a railroad.

The second problem with the provision is substantive. Despite significant progress since 1972, too many of our rivers, streams, and lakes do not meet water quality standards.

EPA's proposed rule makes some important improvements. At the heart of it, the rule clarifies the operation of the TMDL program and requires implementation plans, so that the program becomes more than a paperwork exercise. At the same time, the rule gives States more time to complete their lists, allocations, and plans—a lot more time.

That is a pretty good tradeoff.

By blocking the rule, we will simply delay the tough decisions about how to