

While it is clearly not now a cost-effective source of drinking water on a large scale, it is incomprehensible to someone from the desert Southwest to intentionally contaminate such a large potential source of drinking water.

The EPA has been charged with protecting our nation's drinking water sources, and it takes that responsibility very seriously.

It has established standards to protect drinking water sources in a wide variety of regulatory programs, including those related to hazardous-waste disposal, municipal-waste disposal, underground injection control, generic spent nuclear fuel, high level waste, and transuranic radioactive waste disposal, and uranium mill tailings disposal.

All of these, and other, EPA standards and programs work together to protect groundwater resources throughout the nation, and the Yucca Mountain standard is merely another piece of this important regulatory framework.

The bottom line is simple: the groundwater under Yucca Mountain needs to be protected.

The standard proposed earlier this year by the NRC, and the standard included in S. 1287, encourage the intentional contamination of a potentially important aquifer running under the proposed repository site.

The EPA is duty bound to protect this aquifer, and has done so in its proposed standard.

It would be unconscionable for Congress to step in and reverse course on what has been a nearly 30 year effort by the EPA, and numerous other federal, state, and local governmental agencies, to protect and preserve our valuable natural resources.

While the Yucca Mountain standard is controversial, this is not the first time the federal government has gone through the exercise of setting radiation release standards.

Most recently, the EPA established standards for the Waste Isolation Pilot Project in New Mexico.

Like the proposed Yucca Mountain standard, the EPA's WIPP standard provides a maximum exposure of 15 millirems/year, and includes a separate 4 millirems groundwater standard.

It is not unreasonable for Nevadans to expect the same level of protection offered the citizens of New Mexico—and that is exactly what the EPA has proposed.

Fair treatment of Nevadans, of course, is not something that appears on the nuclear power industry's list of priorities.

Unfortunately for Nevadans, the nuclear power industry does not care much about the justification behind the EPA proposed standard.

For the industry and its supporters, the EPA is nothing more than an impediment to their ultimate plan to ship

high-level nuclear waste to Nevada, no matter what the cost.

For the nuclear power industry, the test of whether or not a standard will be acceptable is not how protective it may be of the public health and safety, it is whether or not it allows a repository to be licensed.

Instead of focusing its attention on whether or not the Yucca Mountain site can meet a fair radiation release standard, the nuclear power industry is attempting to rig the standard to comport to what is being found at Yucca Mountain.

This cynical approach to public health and safety has led the industry along a strategy that seeks to undo decades of federal environmental protection policy, and to ask Congress to establish a very dangerous precedent of "forum shopping" for environmental protection standards and regulation.

Mr. President, Nevadans have the most at stake with the development of the Yucca Mountain standard.

The health and safety of future generations of Nevadans depend on a fair, protective standard.

There are, however, broader issues at stake here as well.

The integrity of our system of federal environmental protection is at risk.

The fundamental reason the EPA was created was to consolidate and coordinate federal environmental protection in a single agency.

Reassigning important standard setting authority to a more sympathetic agency on the whim of a particular industry could well mark the unraveling of decades of progress in protecting our environment.

Should the nuclear power industry have its way with Congress, and succeed in its efforts to undermine the EPA's long standing authority to set standards, who is next? Should we start down a path of returning to the days before 1970, when environmental protection was a hit or miss proposition for the federal government, leading to events such as 1969 fire near Cleveland, where sparks from a passing train actually ignited the polluted Cuyahoga river? I hope not.

Some in Congress continue to claim that Nevadans' concerns are foolish, that the shipment and burial of 80,000 metric tons of high-level nuclear waste are nothing to worry about.

Anyone subscribing to that line of reasoning should talk to some of the downwinders suffering genetic and cancer effects from our atmospheric nuclear testing; or the thousands of children suffering thyroid and other problems due to the 1986 Chernobyl accident; or the thousands of DOE workers at the Gaseous Diffusion Plant in Paducah, Kentucky, now agonizing over the effects of 40 years of mismanagement and coverup.

As Secretary Richardson has said about the situation in Paducah "we

weren't always straight with them in the past."

Mr. President, the Senate has plenty of work to do this fall.

Only one Appropriations bill has been signed into law, and the fiscal year ends this week.

Important measures that most of us agree need to pass, such as the Bankruptcy bill, or the FAA reauthorization, sit on the calendar awaiting action.

The nuclear waste bill reported by the Energy Committee is an environmental travesty which stands no chance of being enacted, and I hope the Majority leader will come to the conclusion that we should not waste any more of the Senate's time on this irresponsible special interest legislation.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000, which the clerk will report.

The legislative assistant read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 27, 1999.)

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate equally divided between the chairman and ranking member.

The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask the Senator from Nevada, my ranking member, does he have any time problems that would make his schedule better if he went first?

Mr. REID. I have some things to do, as does the chairman, but I think the chairman should go first.

Mr. DOMENICI. I thank the Senator.

We have before us the Energy and Water Development Act, which is the appropriations bill for the year 2000. Last night, the House passed this conference report by a vote of 327-87, and I hope the Senate will also overwhelmingly support this conference report.

Incidentally, while this is a small bill in terms of total dollars in comparison to some of the very large bills, such as Labor-Health and Human Services, and many others, this is a very important bill. A lot of Senators don't know, and a lot of people don't know, that the

title of this subcommittee and this bill—energy and water development—is kind of a misnomer because if you wanted to put in the major things that are in this bill that are of significance to America's well-being and security, you would hardly think that an energy and water development bill would have that in it.

But this bill funds the entire research, development, maintenance, and safety of the nuclear weapons of the United States. It funds the three major National Laboratories which are frequently called America's treasures of science. One is in Los Alamos, NM. The history of why it got started is well known and why it was selected to be up on that mountain. A sister institution is in California, which is called Lawrence Livermore, and there is an engineering facility that is different from those two. The other two labs are used to design and develop the weapons themselves; that is, the bombs.

Incidentally, we are not building any new bombs now. People keep challenging us when we put money in this bill, asking us how many weapons we are building. The argument is that Russia keeps building them and we are not building them. We are not terribly frightened about that. They build them differently, and they have a different philosophy about how to build them than we do.

These National Laboratories are engaged in the mission of maintaining these nuclear weapons indefinitely, without underground testing. For all of the history of the building and development of nuclear weapons, the State of Nevada could be added as the fourth site that was of significance for America to keep its weapons of a nuclear nature safe, sound, reliable, and capable of doing what we expect them to do. That is because we tested these weapons underground, in cavernous underground facilities loaded with all kinds of equipment that did measurements, and that was in the great State of Nevada. Now, those are shrunk because we have adopted a policy, sometimes called the Hatfield amendment, by a vote in the Senate, signed by the President, which says we don't do any underground testing.

The question is, If we are not going to do any testing, how do we make sure the weapons are reliable, safe, efficient, and effective? So there is a new concept and these three laboratories, in conjunction with the Nevada underground test site, which does some lesser experiments—not the nuclear blasts—are engaged in trying to prove that our weapons are safe and sound. If parts need to be replaced over time, we are able to know which ones, how, why, and that is called science-based stockpile stewardship—science-based stockpile stewardship—instead of science-based underground testing.

So we have to develop new kinds of activities at these laboratories, and it

is about a 5-year venture. This is the sixth year of funding. Maybe this year, we will have put it into the lexicon of programs that America has on the nuclear weapons side, where maybe it will be permanent and accepted.

As we discuss the international treaty prohibiting underground testing, there will be a lot of discussion about whether this approach is adequate over time to let us sign a treaty that we will never do underground testing again. That will be a separate debate, but it will turn, to some extent, on the credibility and reliability of this science-based stockpile stewardship. So I am very pleased we were able to fund that at a very healthy level, and I am pleased that we have been able to get this bill to this point. The House and Senate passed versions of their respective bills and had very different priorities. I am not critical, but for some time I worried whether we simply would be able to reach an agreement because we were so far apart in terms of the amount of funding for this bill and the amount of money for the nuclear weapons side.

However, a very distinguished California legislator who has been in the House a long time is Chairman PACKARD. He chairs the subcommittee in the House. We met 2 weeks ago and dedicated ourselves to a chairman's recommendation on all items. I will tell you that I have the greatest respect for Chairman PACKARD. He is new at this job, but he is not new at being a legislator. Together, we have overcome differences that, had they occurred between two other chairmen, might have been irreconcilable.

I must acknowledge openly that this subcommittee has a wonderful minority leader in the name of the minority whip for the Democratic Party, Senator REID. Senator HARRY REID understands these issues. He is growing, and if he is not already, he will be a national spokesman when we get off track, and don't worry about maintaining this nuclear stockpile until we have a different world or until we have a different policy about what we are going to do with our nuclear weapons and how many we are going to have, et cetera.

So in the conference report before you, we have recognized that the Senate is as interested in water projects as is the House, and the conference has provided water projects. We all know what those are. They are in every State. They are flood protection projects, Corps of Engineers projects, dams and the like; they are the dredging of the harbors of America to keep them sound and in an appropriate maintenance of depth and the like. We have moved in their direction by increasing the water projects in our bill \$415 million over the level proposed in the Senate.

However, as we have done this, we have been very strict about not includ-

ing newly authorized projects included in the Water Resources Development Act of 1999 or any that might be brought to our attention. Even those that were authorized in that act are so numerous and so expensive that, if we started to give one Senator one piece of that, either Democrat or Republican, or similarly in the House, there would be no end to how many projects we would have to fund.

So we stuck to our guns in that regard and we did not put any of those projects, and we did not put in any unauthorized projects, which I think many people urged us to do over time, and we are pleased to make that announcement. As I indicated, if we tried to add those, we would be overwhelmed and we probably would not be here today.

As we have increased water projects, we decreased funding for some of the accounts the Senate proposed. The weapons activities of the environmental management, science, and energy research accounts have borne a portion of the reduction. I am here to say that we have done quite well, and I believe those programs can continue at a pretty good level, in particular, those centering on science-based stockpile stewardship.

Finally, we had to deal with a number of very onerous, general provisions in the House bill, and I believe those issues have been resolved to our satisfaction. I don't believe, on many of them, there is any concern at this point about the way we wrapped them up, be it on power marketing or on the nuclear weapons or the laboratories. I need to address Secretary Richardson's views.

First of all, I am very pleased the President of the United States has indicated that he will sign the Defense authorization bill. That is the bill that authorizes the entire funding for the military of the United States, which also bears an amendment that will establish within the Department of Energy a new entity, a semiautonomous agency that will be in charge of all the nuclear weapons activity—the most significant reform in perhaps 28 to 30 years in a department that has grown like Topsy and is filled with programs that don't necessarily relate one to another. We will carve out of it a management scheme that will be far more accountable, reliable, and trustworthy than we had before.

Now, obviously, those specifics in that new scheme are not funded precisely, but they are funded in the general sense, and we hope Secretary Richardson and the President will begin quickly to implement that new management scheme so we can show the American people that there is a better way to do it. None of this casts any aspersions on Secretary Richardson. He inherited this department, which has no accountability to speak of, with reference to secret activities. It is very

hard to find who is responsible if something goes wrong. In many other respects, it is very dysfunctional in terms of the way it manages things. We have attempted to pursue with vigor some new management projects in terms of major projects.

Secretary Richardson in his press release of last night said we did not do well enough, we deny that \$35 million in cybersecurity upgrades. I want to address the situation in two regards. First, in response to the problems at the Department, whether cybersecurity or other problems, Secretary Richardson has taken an oversight approach. That means more independent, internal watchdogs, security czar, a counter-intelligence czar.

As many as my colleagues know, more layering at more levels of management, while well intentioned, can have the opposite effect. Making watchdog groups responsible for safety, health, or security removes that from the day-to-day responsibilities of the Department employees.

I want to address cybersecurity in another manner with reference to the specific item the Secretary raised about not funding \$35 million in new money. Let me say what we have funded in that regard: Nuclear safety guards and security, \$69.1 million, \$10 million over the request to protect against physical and cyberintrusions; security investigations, \$35 million, \$3 million over the request; independent oversight, \$5 million to support the new office reporting directly to the Secretary.

We believe when those are added up, that is about all a Department can assimilate unless one assumes there is a renewed vigor in security by overlapping of these new pieces of the Department that the Secretary has announced. We believe when they begin to reorganize this, they will find this is plenty of money to do the security work under the new streamlined agency. We never intended to do anything but fund adequately the notions expressed in the Secretary's letter.

He mentioned a project in the State of Tennessee, the Spallation Neutron Source, a new project of high excitement in the science community. It has had difficulty meeting its goals of meeting scheduled attainment of construction, and it may very well be a case of overruns where it will spend more than expected. Nonetheless, it is important we proceed. The House only funded it for \$50 million. We funded it for \$150 million. I regret to say I could only split the difference—\$100 million plus \$17 million to operate. Obviously, the Secretary would like \$130 or \$140 million. I couldn't do it. I hope the project can continue in this scaled-down number. I remain committed. I believe the subcommittee remains committed to it. I think everybody ought to know we will eventually take

care of it. It will not be delayed very long based upon underfunding this year.

With reference to other matters in this bill, I have worked with the Department on various issues the administration is considering with reference to a possible supplemental request. I suggest it is impossible to fund the Department of Energy request regarding their computers in the weapons complex. They indicate it would cost approximately \$450 million next year. That is \$150 million per laboratory and \$150 million for the production complex. There is no way we could fund that kind of money in these appropriations. We leave it to the administration. If they seek this in a supplemental next year, we will look at it carefully. We stand ready eventually to fund that. It is not possible in a budget of this size to fund this year \$450 million for cybersecurity. It is not possible.

DOE has also reviewed its fiscal security. I am hearing reports of substantial costs that may need to be incurred in the coming year to improve fiscal security. However, in our conference with the House, it was made clear we have never before been told cybersecurity or fiscal security problems were the result of lack of funding. The problem may very well be more than that and may be a combination of things. We stand ready and willing to help.

Senators KYL and MURKOWSKI have proposed, along with this Senator, reform in the Department which I outlined early in my remarks. When that reform is made and we begin to implement the so-called National Security Administration, I will be open to reviewing all costs necessary to ensure our nuclear weapons complex is safe. I am not going to try to resolve this problem solely by putting huge amounts of new money in before we have the new agency beginning to streamline itself pursuant to the new bill which will soon be signed by the President when he puts his signature on the defense authorization.

Regarding wetlands provisions contained in the House version, I will summarize the conference agreement which I think is acceptable to the administration. It is a very difficult issue, and it is very dear to many House Members. The legislation contains \$5 million for the Corps to fully implement an administrative appeals process for their regulatory reform. This is the so-called 404 permitting of the Corps: The process shall provide for a single level of appeal for jurisdictional determination.

The conferees dropped the language proposed by the House which would have made the determinations the final agency action under the Administrative Procedure Act, thus permitting early appeal to the Federal court system.

The conference agreement also includes language proposed by the House requiring the Corps to prepare a report regarding the impacts of proposed replacement permits for the nationwide permit of 25 on the regulatory branch workload and compliance costs.

The conference dropped language that would require the report be submitted to Congress by December 30, 1999, and dropped language that would hold matters in abeyance until the report was forthcoming. This part of the bill was worked out carefully with representatives of the executive branch, and I believe it is acceptable to them.

I had one other issue I wanted to state here for the RECORD because my colleagues from the State of Arkansas, Senators HUTCHINSON and LINCOLN, wanted to have explained a project called Grande Prairie in the State of Arkansas which is not funded in this bill.

The Grande Prairie project in Arkansas, which has an overall long-term Federal cost of perhaps as much as \$245 million, will provide ground water protection for agricultural water supply and environmental restoration in rural areas of Arkansas. Funding at \$8 million was provided in 1999 to initiate construction. Since the appropriation, the Corps of Engineers has used only \$3.8 million, with \$5 million being reprogrammed from the project for use in other activities. This leaves about \$1.2 million for use in the year 2000.

The Corps has been having problems with local sponsors finalizing their cost-sharing agreement which is reviewed before construction can begin. Some local interests believe it is cheaper for them to find other options rather than to come up with their cost share. For the project to proceed, the cost share agreements must be entered into. The attitude of some is, this is complicating efforts to execute a local cost-sharing agreement.

We have clearly indicated that the Corps of Engineers has not been able to use the \$8 million appropriated and it is unlikely significant funds can be used in 2000. The conference agreement leaves an estimated \$1.2 million as carryover funding, and the managers' statement states that the conferees' expectation is that if issues surrounding the project are resolved, conferees expect the Corps to reprogram funding back to the project for construction.

I hope that is satisfactory. I have indicated the same in a letter to Senator HUTCHINSON, who inquired about this.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 28, 1999.

Senator TIM HUTCHINSON,
Washington, DC.

DEAR TIM: I want to assure you of my personal commitment to the success of the Grand Prairie project in Arkansas.

This year's Energy and Water Development Act was especially hard to craft. In short, we simply did not have sufficient resources to fund all deserving water projects at the optimum level. In the case of Grand Prairie, it is my understanding that additional funds will not be needed in the coming year because of the availability of funds appropriated last year that have not been spent due to problems negotiating a project cost-sharing agreement.

I've attached the language from the conference report that clearly indicates the conferees' action was taken without prejudice. If additional funds are needed in the coming year, the Corps has authority to reprogram funds into the project.

Sincerely,

PETE V. DOMENICI,
*Chairman, Subcommittee on Energy
and Water Development.*

Mr. DOMENICI. Mr. President, with that, I am ready to answer any questions. I think it is a good bill. We are within the budget. There is no significant increase over last year, for those who were wondering, in the total cost. So I think we have a bill that ought to get very strong support.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, I am very fortunate to be the ranking member on this subcommittee because I always have a hole card and that hole card is the chairman of the subcommittee. I say that because not only does he serve on this very important subcommittee as chairman, he is also chairman of the Budget Committee, which helps when we run into money problems—No. 1, for understanding the budget issues in their entirety, since he has been in the process over the many years of setting the budget, the process that we have here, but the chairman of the Budget Committee also is able to work with the Office of Management and Budget, able to work with the Congressional Budget Office, and other people who make this bill one that has been able to move through the process. It is a very difficult process.

So I say to my friend, the chairman of the subcommittee, the chairman of the full Budget Committee, I appreciate very much his including me in matters when I would not have to have been included. The chairman of the subcommittee, the manager of this bill, and this Member, can be about as partisan as anybody can be or needs to be. We do what we need to do to protect our two parties. But when it comes to matters where you have to set aside your partisan differences and move forward for the good of the country, I think we have set a pretty good example. We have been able to work through a very difficult process. This is an important bill—\$22 billion. I understand the awesome responsibility I have to satisfy the needs of my State, the needs of the respective Democratic Senators who come to me for assist-

ance, and Republican Senators who come to me for assistance; and I understand the importance of this bill to the country. This is a very important bill. I repeat, I express my appreciation to the chairman of this subcommittee for working with the minority in coming up with this bill.

This is a tough bill because there are so many very good projects, good measures we were unable to take care of; there simply was not enough money. It is hard to go to a Member and say: We couldn't do this.

Why?

We had a formula set up and you didn't fall within the formula.

Why couldn't you do this for me?

If we did it for him, we would have to keep doing it for some other people. We set up some standards, we kept to those standards as best we could, and we came up with what we think is a very good bill.

This bill deals with many important matters. I believe, as does Senator Simon, who served in this body and has since leaving here written a book on water, that future wars are not going to be fought over territory. They are going to be fought over water. In this country of ours, we have a lot of water problems developing. This subcommittee has a tremendous responsibility to handle those water problems.

We do not have much in this bill dealing with the water problems of the southern part of the United States, but we are going to get them. As a result of Hurricane Floyd, North Carolina has been devastated. North Carolina has water problems they never dreamed of having. There is talk that their different aquifers are being polluted as a result of the tremendous discharge of human and animal waste as a result of this hurricane. We are going to get some of those problems in this bill next year.

I could go through this bill, and it is printed in the RECORD, and go to any place you wanted in this bill and pick projects that we have funded that are extremely important: Llagas Creek, CA; San Joaquin, CA; Caliente Creek, CA; Buffalo—Small Boat Harbor—NY; city of Buffalo, and on and on.

I just recounted a couple of these in alphabetical order. But there are many projects we could talk about and we could spend our full time, our allocated hour, talking about one of these projects, how good it is for the region, how good it is for the country. We are not going to do that. But I repeat, we could also take considerable time talking about projects that were not funded that are also good for this country and good for the region that we simply did not have the dollars to fund.

The Corps of Engineers was founded by our Founding Fathers. It is an old institution within the military that is so essential to this country. In the State of Nevada, we have survived, cer-

tainly the growth in Las Vegas Valley has been able to go forward, as a result of the work of the Corps of Engineers handling floods.

We only get 4 inches of rain a year in Las Vegas. I hear on the radio and when I watch television I see in Eastern States you get 10, 12 inches a day in some places. One of these storms comes through dumping all kinds of water, but we do not get that in Nevada. But because of the Corps of Engineers handling flood control in Las Vegas—we may not get a lot of rain but we do not have places for it to drain. That is the way the desert is. So the Corps of Engineers has worked with us and we have been able to divert a lot of floodwater. We have detention basins. We have huge diversion tunnels. The Corps of Engineers has worked very hard to make Las Vegas safe.

I can remember, going back to the late 1960's, when we had a flood come through that washed hundreds of cars away at Caesar's Palace—it washed cars away. Anyway, we are doing much better.

The Corps of Engineers does a good job. They could do much better if we would fund them with more money. It is difficult to do all they are required to do.

The Bureau of Reclamation—I talked about water—this little, tiny agency does so much. It does so much for the arid West. The first Bureau of Reclamation project in the history of the country took place in Nevada. It was called the New Lands Project, started in 1902. There is good and bad coming from that New Lands Project. That is the way these projects have been, all the way, all over the western part of the United States. The Bureau of Reclamation was doing a good job, and they still are, but with limited resources. We would like to give them more money but we don't have it. We would like to keep the budget constraints that we have and we should have.

The defense part of this bill is extremely important. The safety and reliability of our nuclear arsenal is all within this bill—the safety and reliability. We have huge nuclear weapons. They are stored around the country. You cannot just leave them there and hope everything is going to be OK. You have to test them for safety and reliability. We cannot do the testing the way we used to do it. We cannot do it in the underground tunnels and shafts all over the Nevada Test Site. Over 1,000 tests have been conducted in the Nevada Test Site. Now we have to do it in a more scientific manner.

This bill does more for science than any bill we have. Computers, we hear all that is going on in the private sector with computers, and I pat them on the back. I am glad we are moving forward the way we are. But this bill is accelerating the development of computers. Very powerful computers now

exist, but they are going to pale in significance compared to the computers we will build as a result of the computer research we are funding in this bill. Why are we doing it? Because we want to be able to maintain a safe and reliable nuclear stockpile, and we are going to do that.

We are so scientifically correct now that we do not do testing the way we used to do it. To make sure our weapons are safe and reliable, we will start a nuclear reaction and we stop it before it becomes critical. But through the work we can do with computers, we can tell what would have happened had the test gone critical. That is how sophisticated we have become. We have to become more sophisticated. Our scientists tell us they need more computerization, and we are working on that in this bill.

This bill is important. The chairman of the committee, the manager of this bill, has talked about the wetlands rider. We worked very hard on that. We worked very hard on that to come up with something that is acceptable, and we have the assurance of the administration that they will sign this bill. I say to the chairman of the committee, we spent a lot of time Friday making sure the administration—Jack Lew was there and they indicated they would sign this bill. Is that not correct?

Mr. DOMENICI. That is correct.

Mr. REID. I think that is important. Everyone should know this bill meets the very stringent standards, as far as the wetlands rider and some other funding matters the administration set.

I also say to my friend, the manager of this bill, there was some question about the new structure that has been set up within the Department of Energy and whether they needed more money to comply with the strictures that we have set under the new legislation. I think everyone agreed, this conference, if it takes more money, then they can come back. We will have a supplemental down the road early next Congress. They can come back to us and make a case that, because of the new legislation, they have been required to do new things that they were unable to pay for out of the budget that they have, and we will look to that with favor. I think that is a fair way to go.

The path to this year's bill was rocky. It certainly was through no fault of the chairman. We spent a lot of time trying to understand what the House wanted. We were able to work that out.

I also say to my friend from New Mexico, I came to Congress with the chairman of the House subcommittee in 1982. He is a very fine man. He is a good subcommittee Chair. He is going to be even better. I can see the progress since we did our supplemental to this bill. He is a fine man and is trying to

do the right thing. That is Congressman RON PACKARD from the San Diego area.

Mr. DOMENICI. Will the Senator yield?

Mr. REID. I will be happy to yield.

Mr. DOMENICI. Mr. President, I say to the Senator, I have to leave the floor for a few minutes. He is probably going to be finished soon. There is nobody else seeking time.

Mr. REID. I ask the chairman to join with me in asking that as soon as I finish my remarks, all time be yielded back and the two leaders set a time to vote this afternoon.

Mr. DOMENICI. Has that time been agreed on?

The PRESIDING OFFICER. It has.

Mr. DOMENICI. What is that time?

The PRESIDING OFFICER. 2:15 p.m.

Mr. REID. That is fine. All time will be yielded back when I finish my remarks, and we will vote at 2:15.

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

Mr. DOMENICI. I yield back all remaining time I have.

Mr. REID. Mr. President, as I indicated, this was a rocky road. I am surprised we are where we are. Ten days ago I did not think this was possible. The House and Senate were apart by \$1 billion. We have worked that out. We have gotten more money in the bill. In fact, we have about \$1 billion which has made this possible.

The final conference report is very balanced among the needs of water projects. I indicated how important they are for the corps and the Bureau of Reclamation, as well as the very important science and national security responsibilities of the Department of Energy. These responsibilities, the water projects and the Department of Energy, could stand alone, but they do not stand alone. We have to balance them.

I have spoken a lot about the importance of this bill. I did that earlier. I do believe it is important. Year after year, I am amazed at what this bill does to meet the needs of this very complex country in which we live, with the natural resources that are different from one coast to the next.

Earlier this year, Congress passed the Water Resources Development Act of 1999. We call it WRDA. We have not been able to fund a single project that we authorized in that. That is unfortunate, but that is one of the rules we set. The bill passed after this bill started, and if we are going to have some limitations, this is a good place to start. Next year, we are going to receive a number of requests from this bill, as well we should. We need to look for a way to fund them.

On the energy side, this bill is a solid compromise. It has sizable gaps both technologically and fundingwise, but we are going to make progress. We have battles on the Senate floor every

year this bill is before us with solar and renewable energy. We have to do better than we have. We were funded well below last year's request. We have made progress, and I think we can continue to make progress.

The conference compromise was the best we could do, given the available funds. It was not enough, but it was the best we could do.

This is a good bill. It is a bill that will next year, I hope, be even better. It is balanced. There are good things in it. We have hurricane protection for Virginia, funds for the Everglades in Florida, Chicago shoreline funding which will help keep the Great Lakes out of downtown Chicago, healthy funding for our National Labs, and dozens of other examples throughout this conference report that do help this country. My frustration is merely that there is so much more to be done that we cannot do.

Each year this bill is the product of hundreds and hundreds of hours of staff work on both sides of the aisle and in both Chambers. The staff worked very well together and produced the best possible result for the American people. That is what it is all about.

As I indicated, there comes a time—and we should do it much more often—when we must set aside our partisan differences and move forward with positive results. This bill is good for the country. We could have chosen to be partisan and neither of us budge and wind up with nothing, and that is what the American people would have gotten—nothing. We think setting aside our partisan differences has been a positive accomplishment.

The staff set the example. They worked to produce the best possible result for the American people, and I am very grateful to all our staff. I thank some of the key members of the Senate staff who made this bill possible: Gregory Daines, my energy and water clerk; Sue Fry, an Army Corps of Engineers detailee to the Appropriations Committee; Bob Perret, a fellow on my personal staff; Liz Blevins, an Appropriations Committee staff member; and Andrew Willison, who is on my personal staff who has worked very hard on this bill; and Alex Flint, David Gwaltney, and Lashawnda Leftwich of the majority staff who have been very helpful to us on this bill.

As always, as I have indicated, it is a pleasure to work with my counterpart, the chairman of this subcommittee, the chairman of the Budget Committee. I hope we are able to work on this bill for many years to come.

I yield back my time.

DOE ENVIRONMENTAL MANAGEMENT FUNDS

Mr. CRAIG. Mr. President, I would like to engage my colleague, the distinguished chairman of the Energy and Water Appropriations Subcommittee, in a colloquy to discuss the importance

of research as it relates to Environmental Management (EM) in the Department of Energy.

Mr. DOMENICI. I would be glad to engage in such a colloquy with my colleague, the Senator from Idaho and a member of the Energy and Water Appropriations Subcommittee.

Mr. CRAIG. It is very important there be research conducted at the Idaho National Engineering and Environmental Laboratory (INEEL) that supports the EM mission of the Lab. I would point out that the INEEL has been designated as the lead Environmental Lab in the DOE Lab complex. If INEEL is to lead, there must be funds available to exert such leadership.

Mr. DOMENICI. I agree with my colleague on the importance that such funding be available.

Mr. CRAIG. With that need in mind, I ask my colleague if he would be supportive of increased funding in the EM-50 account to assure that such research can be conducted?

Mr. DOMENICI. I say to my colleague from Idaho that I would support such funding in the EM-50 account and encourage the DOE to make such funding available.

Mr. CRAIG. I thank the Senator.

Mr. GORTON. Mr. President, I rise to support the energy and water development appropriations conference report. Within this bill is funding for a critical effort that is essential to the long-term future for citizens of the Northwest: the cleanup and restoration of the Hanford site in the State of Washington.

The citizens near the Hanford area played a major role in the Nation's successful effort to win the cold war. Now it is the responsibility of our Federal Government to conduct environmental remediation so that the site will not threaten the health of future generations. This bill appears to fully fund the cleanup effort based on the priorities presented in the administration's February budget request.

One unresolved Hanford-related concern pertains to the Fast Flux Test Facility (FFTF). This is one of the world's premier research reactors, and last month the Secretary of Energy made the right decision to proceed with an Environment Impact Statement (EIS) on future missions for this facility. The FFTF holds the potential to create a sufficient and dependable source of medical isotopes used to cure cancer; it can also meet the needs of a variety of other missions, including the production of needed material for deep space missions.

In the administration's budget request, an inadequate amount of funding was requested for the FFTF. Subsequently the Secretary's decision to proceed with an EIS will require additional funds to complete this necessary analysis. I call on the Secretary to address this situation immediately so that the necessary reprogramming of

funds can be approved expeditiously, something he has not yet done.

This conference report also wisely deletes or fixes several provisions that were attacks on the Power Marketing Agencies generally and the Bonneville Power Administration (BPA) specifically. Report language asks BPA to report on fish and wildlife costs that will be incorporated within the upcoming BPA rate case. The timing of this request is awkward as it calls for a report prior to the end of the rate case; I request that BPA only make this report if it has no negative consequences on the rate case process.

Another area of concern pertains to the solar and renewable energy portion of this report. Due to budget restrictions, the amount of funding available for this program is less than ideal. Not only has this area of energy development seen recent dramatic breakthroughs in cost-effectiveness, it holds great promise for developing nations and emerging economies. My State of Washington is home to many of the Nation's leading solar and renewable energy companies and projects. I hope we will be able to give greater emphasis to this program next year.

On this subject, the conference report also references a specific appropriation to develop a materials center pertaining to photovoltaic energy systems. I hope the Department of Energy is aware that Washington State University has been leading an effort—along with 14 other top-tier universities and the National Renewable Energy Laboratory—specific to this area of research. DOE should proceed with these efforts in a competitive process, allowing the WSU-led consortium to remain under serious consideration for leading this area of research.

Mr. JEFFORDS. Mr. President, I am forced to vote against the Energy and Water conference report. Not to do so would be to break a commitment to small businesses across America, to hurt farmers and ranchers and rural communities, and to threaten the energy security of the United States.

The people across the United States demand increased funding for renewable energy. Poll after poll shows that our citizens believe we should spend more on renewable energy.

A majority of the United States Senate—54 Senators—believe we should increase funding for renewable energy.

This bill defies the will of the American people and a majority of U.S. Senators. It does not provide more money for renewable energy. It provides less money. It provides 130 million dollars less than the administration's request. It cuts funding for renewable energy by 30%.

Mr. President, by decreasing funding for renewable energy, we jeopardize the security of our Nation, we hurt small businesses, ranchers, farmers, and rural communities, we hurt our ability

to compete internationally, and we hurt the environment.

Mr. President, our Nation needs to increase domestic energy production—not cut funding for developing an unlimited source of energy made in America. Our Nation needs a lower balance of payments—not an increased trade deficit. We need to help farmers, ranchers, and rural communities develop affordable, reliable, locally produced energy—not cut it off. We need to stand up for U.S. companies selling U.S. manufactured energy technologies in overseas markets—not leave them dangling in the wind while the Japanese and Europeans grossly outspend us. We need to spur job markets in every state in the Nation—not send our good jobs overseas.

Apparently there are still some who fail to realize that clean, domestic energy production is important. Perhaps they have not noticed that the U.S. has a trade deficit larger than any other nation, ever. Or maybe they have forgotten that imported foreign oil is the number one contributor to our trade deficit. Or maybe they just do not realize what the rest of the nation has long ago realized—that clean, made in America renewable energy can give us the energy security, jobs, and healthy environment that our people demand.

I am deeply disappointed in the severe cuts to renewable energy in this bill. I vow to fight even harder next year to give renewable energy the funding it deserves.

BURBANK HOSPITAL REGIONAL CANCER CENTER

Mr. KERRY. Mr. President, I appreciate the chairman's willingness to engage in a colloquy regarding the FY00 Energy and Water conference report. The conference report, which passed the House last night and is being considered in the Senate Chamber this morning, includes \$1 million in Department of Energy's Biological and Environmental Research (BER) account for cancer research at the Burbank Hospital Regional Cancer Center. It is important that the word "research" be addressed in the RECORD, since the original request by my Massachusetts colleague in the House, Representative JOHN OLVER, asks that funds be made available for the Burbank Hospital Regional Cancer Center in Fitchburg, MA.

Since this is a small hospital serving a rural area, I and my colleague in the House want to stress the importance of the \$1 million's being dedicated to the hospital for the underserved population, rather than for research purposes. If the chairman could clarify to the Department that the \$1 million should be made available to the Burbank Hospital in Fitchburg, MA, without its being contingent on "research," it would be greatly appreciated. I thank the gentleman very much for his time and effort.

Mr. DOMENICI. I appreciate the Senator's interest and wish to clarify to

the Department of Energy that the \$1 million should be made available to the Burbank Hospital in Fitchburg, MA, for the under-served population.

BUDGETARY IMPACT OF H.R. 2605, THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FISCAL YEAR 2000

Mr. DOMENICI. Mr. President, I submit for the RECORD the official Budget Committee scoring of the pending bill—H.R. 2605, the energy and water development appropriations bill for fiscal year 2000.

The conference agreement provides \$21.3 billion in new budget authority (BA) and \$13.3 billion in new outlays to support the programs of the Department of Energy, the U.S. Army Corps of Engineers, and the Bureau of Reclamation, and related Federal agencies. The bill provides the bulk of funding for the Department of Energy, including Atomic Energy Defense Activities and civilian energy research and development (R&D) other than fossil energy R&D and energy conservation programs.

When outlays from prior-year budget authority and other completed actions are taken into account, the conference report totals \$21.3 billion in BA and \$20.8 billion in outlays for FY 2000. The conference report is at the subcommittee's 302(b) allocation for BA, and \$29 million below the 302(b) allocation for outlays.

The conference report is \$0.1 billion in BA and \$0.5 billion in outlays above the 1999 level. The conference report is \$0.3 billion in both BA and outlays below the President's budget request for FY 2000.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the FY 2000 Energy and Water Development Appropriations bill conference report be printed in the RECORD following my remarks.

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

H.R. 2605, ENERGY AND WATER APPROPRIATIONS, 2000, SPENDING COMPARISONS—CONFERENCE REPORT
[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Conference Report:				
Budget authority	21,280			21,280
Outlays	20,839			20,839
Senate 302(b) allocation:				
Budget authority	21,280			21,800
Outlays	20,868			20,868
1999 level:				
Budget authority	21,177			21,177
Outlays	20,366			20,366
President's request:				
Budget authority	21,557			21,557
Outlays	21,172			21,172
House-passed bill:				
Budget authority	20,190			20,190
Outlays	19,674			19,674
Senate-passed bill:				
Budget authority	21,277			21,277
Outlays	20,868			20,868
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation:				
Budget authority				
Outlays	-29			-29
1999 level:				
Budget authority	103			103

H.R. 2605, ENERGY AND WATER APPROPRIATIONS, 2000, SPENDING COMPARISONS—CONFERENCE REPORT—Continued

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Outlays	473			473
President's request:				
Budget authority	-277			-277
Outlays	-333			-333
House-passed bill:				
Budget authority	1,090			1,090
Outlays	1,165			1,165
Senate-passed bill:				
Budget authority	3			3
Outlays	-29			-29

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

Mr. BREAUX. Mr. President, I want to express my personal appreciation to all the conferees who participated in the fiscal year 2000 energy and water development appropriations conference for including funding and language for Louisiana projects.

Flood control, hurricane protection and navigation are all vital to the safety and well-being of our citizens. These water-related infrastructure projects are of major economic importance to the state. A number of them are of major importance to the nation.

Of the Louisiana projects in the fiscal year 2000 report and the Statement of Managers, there are two Louisiana projects which I would like to discuss further at this time: the Inner Harbor Navigation Canal Lock Project and the Bayou Darrow Floodgate, Aloha-Rigolette Flood Control, Red River Project.

I appreciate all that the conferees have done for these projects. I am taking this opportunity to express my views to the Senate on some key issues affecting them. Resolution of these issues is critical to the two projects being built in a timely manner to provide the protection and service for which they have been authorized.

With regard to the Inner Harbor Navigation Canal Lock, I am most appreciative of the funding which the conferees have included for it and its mitigation. On the related key project issue, it is of the highest importance that the Corps of Engineers use the full replacement cost to value the real estate and facilities which it acquires from the Port of New Orleans as part of the project.

The Port of New Orleans had expected the Corps to use full replacement value when it acquires the Port's properties. I am told that full replacement cost is the value which the Corps is using to acquire other similarly-situated property and facilities for the lock project.

Senator LANDRIEU and I contacted the conferees about this full replacement cost issue.

As I understand and which I appreciate very much, the conferees noted that there are significant differences in the estimates used by the Corps and the Port to value the Port's properties

to be acquired. As I also understand, conferees expect the Corps to work in good faith to arrive at an equitable solution to this issue in accordance with current law, which I also appreciate very much.

If, indeed, the Corps is using, in accordance with current law, full replacement cost for other similarly-situated properties which it will acquire for the lock project, then it is only equitable and fair that, in accordance with current law, it use full replacement cost to acquire the Port's properties for the project.

With regard to the Bayou Darrow Floodgate, Aloha-Rigolette Flood Control, Red River Project, I am most appreciative that the conferees have provided FY 2000 funding for the project. I also appreciate their consideration of the request by Senator LANDRIEU and I which was not able to be included as part of the conference agreement, that is, to authorize full federal responsibility for project costs which are in excess of those anticipated in the 1994 Project Cooperation Agreement.

The excess costs have arisen due to extenuating circumstances which included, as I understand, project-related contract negotiations, but about which the Town of Colfax, the non-federal sponsor, says it was not consulted. The Town, which is a very small rural community, says it is unable to pay the share of the excess costs assigned to it by the Corps.

I am most concerned about this situation. I hope that the Corps of Engineers will work very closely with the Town of Colfax to resolve the excess cost issue soon and that this much-needed flood control project will be able to be completed in a timely manner.

This concludes my statement, Mr. President.

Ms. LANDRIEU. Mr. President, I rise today to commend Chairman DOMENICI, Senator REID, and the other Conferees for addressing vitally important issues for Louisiana in this bill. As you know, Mr. President, the annual Energy and Water Appropriations Bill provides funding to the U.S. Army Corps of Engineers to protect our citizens from flooding and to facilitate the flow of maritime commerce through our many waterways. Both of these endeavors are very important to Louisiana and our nation.

The FY 2000 Energy and Water Appropriations Conference Report (H. Rept. 106-336) addresses the Inner Harbor Navigational Canal (IHNC) Lock Replacement Project in New Orleans which is very important to maritime commerce. I thank the Conferees for providing \$15.9 million for this project. I also thank the Conferees for including report language that would expedite the community mitigation plan and ensure that the Corps work in good faith to arrive at an equitable solution

in determining the value of property to be transferred by the Port of New Orleans to the Corps to complete the project. Notably, I understand that the Corps is also acquiring nearby property from another landowner for this project and that the Corps is employing a replacement cost methodology to determine the value of this nearby property. Therefore, I believe that an equitable solution to determining the value of the Port's property requires a valuation in the same manner as that employed for the nearby property.

Additionally, the Conference Report addresses the Aloha-Rigolette Project. I thank the Conferees for providing \$581,000 for this project. Although not included, I also thank the Conferees for considering my request for bill and report language that would authorize full federal responsibility for project costs in excess of what was anticipated in the Project Cooperation Agreement issued in 1994 in connection with the Bayou Darrow Floodgate portion of the project. I sought this language at the request of the local project sponsor, the Town of Colfax. Mayor Connie Youngblood of Colfax informed me that the Corps negotiated a no-cost termination with the project contractor without consulting the Town and is now expecting the Town to cost-share the additional costs that have resulted. Because the Town of Colfax is a very small rural community and unable to pay the unanticipated additional costs which it did not consent to, I remain very concerned about this matter. Accordingly, I ask the Corps to work with the Town of Colfax to resolve this matter so that the project can be completed in a timely manner.

In closing, I again thank the Conferees for their work on the FY 2000 Energy and Water Appropriations Bill and the attached Conference Report.

• Mr. MCCAIN. Mr. President, I congratulate my respective colleagues on both sides of the aisle for successfully completing work on this important spending bill. I regret that I was not able to be here to vote on the final Energy and Water conference report for fiscal year 2000.

The conferees deserve credit for their notable efforts in forging this conference agreement and continuing funding for the Department of Energy, the Army Corps of Engineers, the Bureau of Reclamation and other critical energy programs important to our nation. I am disappointed to say that, just as this final report ensures that necessary functions and programs of the Federal Government are funded, the practice of pork-barrel spending also continues.

When the Senate passed its version of the energy and water appropriation bill just 2 months ago, I found \$531 million in low-priority, unnecessary, and wasteful spending. While a half a billion dollars is an incredible amount of

pork, it is remarkable that this final conference report has been fattened up with an additional \$200 million in pork barrel projects.

A lot of this pork is concentrated in sections of the bill detailing projects to be funded by the Army Corps of Engineers. While I am certainly supportive of our water infrastructure and civil works programs, I am appalled at the process by which the conferees have directed money in these accounts. A majority of the projects do not appear to be funded based on a competitive or merit-based review, but instead funding is clearly directed toward projects which are not requested in the budget and more closely resemble special interest projects.

We sought to curb Federal spending and reduce our tremendous deficit by passing the 1997 Balanced Budget Act. However, because we now enjoy a robust economy and balanced budget, we have detracted from our important goal of spending tax-payer's hard-earned dollars prudently.

A clear example of this fiscal irresponsibility is exemplified by the "emergency spending" bills we have enacted over the past two years. Why did we have to pass these supplemental appropriations bills? Because those areas of the country which are not the recipients of these special interest earmarks are suffering because there is not a realistic chance to compete for federal funding through established normal procedures and guidelines when budgetary spending is based more on parochial actions.

Over the years, I have reported to the American taxpayers the pork-barrel spending that continues through our annual appropriations process. I believe we owe it to the American public to report how we spend their taxpayer dollars. Sadly, the taxpayers will have to shoulder the burden of financing pork barrel projects to the tune of \$759 million included in this energy and water spending measure.

I will not waste the time of the Senate going over each and every earmark. I have compiled a list of the numerous add-ons, earmarks, and special exemptions in this conference report. Due to its length, the list I compiled of objectionable provisions included in this conference report cannot be printed in the RECORD. This list will be available on my Senate webpage.●

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:17 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent to proceed for 1 minute as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PARLIAMENTARIAN OF BELARUS

Mr. CAMPBELL. Mr. President, as the cochair of the House-Senate Commission on Security and Cooperation in Europe, known as the Helsinki Commission, I had the privilege in July to go to St. Petersburg, Russia, to participate, with other Senators, in the annual meeting of the OSCE Parliamentary Assembly.

During the proceedings, our 17-member congressional delegation heard a very powerful speech by Mr. Anatoly Lebedko, who is a leader of the opposition party in Belarus. He is a very strong force for democracy in Belarus. He is here with us today. He is often faced with overwhelming opposition. Yet he has led the fight for the kind of principles on which our own Nation was founded.

RECESS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes to greet Mr. Lebedko, Parliamentarian from Belarus.

There being no objection, at 2:15 p.m., the Senate recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000—CONFERENCE REPORT—Continued

Mr. STEVENS. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 96, nays 3, as follows: