

Chinese People's Liberation Army directly or indirectly owns scores of businesses. They conduct commerce with U.S. companies. That includes the sale of products to U.S. consumers. So this amendment would simply require the FBI to monitor and report to Congress on the activities of the PLA's, the People's Liberation Army's, businesses here in the United States. Specifically, they would take data collected by the DIA, CIA, customs, and other agencies and report their findings to Congress on the dollar amount of PLA revenues and where these revenues are being directed within the Chinese military. This report will also monitor any technology transfers between PLA companies and U.S. companies, including an assessment of the impact upon the U.S. military, U.S. interests, and our allies. That is all it does. I think it is a very reasonable amendment and should be approved by the Senate.

The third item in the division is monitoring and reporting on development of Chinese space capabilities. We know the world has observed our military space advantage and has taken steps to acquire their own military space systems to counter ours. In particular, we have observed the Chinese are developing military space capabilities that could threaten the United States and threaten our allies' military, civilian, and commercial systems. Free and open trade, and the reduced vigilance free trade fosters, will facilitate the development and proliferation of space technology needed to expand Chinese space capabilities. This commission would monitor this activity and report on it so we would have good information as to exactly what was going on in that regard.

The fourth item is monitoring and reporting on the cooperation on environmental protection. Our Nation has some of the strongest environmental laws in the world. Yet Chinese companies can operate with lower costs and compete with U.S. companies because they do not have to comply with the same requirements that U.S. companies do.

If we are going to give permanent trade status to the country of China, then why not make them play by the same rules U.S. companies do? If you wonder why they can sell their clothes and other products over here so cheaply, that is one of the reasons they compete with us and can pay such low labor costs. They do not have to abide by the same regulations.

This amendment simply monitors the extent to which China is enforcing their own environmental regulations. We cannot dictate how they do that—they are their own nation—but we can monitor it and we can let the American people know that we are, by passing PNTR, saying we are going to ignore their environmental infractions and we are going to enforce ours. I think we

ought to have that as part of this agreement.

The fifth division is monitoring and reporting on conditions relating to orphans and orphanages in China and the extent to which they are providing access to U.S. and international adoption agencies. Every year, untold numbers of Chinese baby boys and girls with special needs are left at state-run orphanages in horrible situations. Throughout the nineties, several human rights organizations revealed deplorable conditions and inhuman treatment. The death rates for these children are oftentimes astronomical. They are left to die of starvation. When we give all this wonderful treatment to the country of China, I hope we think about that and see if we have any concerns about these human rights violations.

My amendment would simply monitor and encourage China to determine that the quality and care of its orphans is improving by providing specific data on the survival rates of these children. Isn't that the least we can do if we are going to trade with them and help them? Why not help the children in China who are stuck in these orphanages.

Finally, No. 6, monitoring and reporting on organ harvesting and transplanting in the People's Republic of China. One of the most despicable, horrible acts of any nation in the world—and I cannot understand why we would look the other way and not even report and let the American people and the world know what they are doing. This amendment would task a commission with monitoring this barbaric and inhuman practice of literally taking organs involuntarily from executed prisoners. They are not prisoners executed and then having their organs taken after execution, they are executed in order to get the organs, so we understand what this is. We would require a report on the actions taken by the PRC to end organ harvesting.

In conclusion, this is a good amendment. There are six divisions. They are good divisions. I say to my colleagues who say we cannot amend this because it is going to mess up the whole PNTR issue, this is not messing up anything. This commission is going to monitor these six areas that are, for the most part, outrages really that the Chinese are allowed to get away with.

I urge the adoption of this amendment at the appropriate time. I thank my colleagues, and I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 6:15 p.m. having arrived, the Senate will now proceed to the consideration of H.R. 4733, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are working on perhaps as many as 50 or 60 amendments trying to get them narrowed down to a very few contentious issues. On behalf of Senator REID, I think we can say we intend to finish tonight. We can try. I do not know how many votes we will have. In the meantime, we are still busy putting some language together.

Senator HUTCHISON has asked that I yield 10 minutes to her. I will speak for 1 minute of her time, and I think Senator DODD is going to use a couple minutes.

I ask unanimous consent that 10 minutes be set aside at this point for Senator HUTCHISON to talk about a bill she is introducing.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair. (The remarks of Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. DODD, and Mr. DOMENICI pertaining to the introduction of S. 3021 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I note the presence on the floor of the distinguished Senator from Nevada, Mr. REID.

Might I make a parliamentary inquiry?

We now are on the energy and water appropriations bill; is that correct, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. There is no time scheduled for its adoption or for termination of debate on the floor?

The PRESIDING OFFICER. There has been no time agreement.

Mr. DOMENICI. I say to Senators, I have talked with the majority leader, and I have talked to Senator HARKIN. Even though there is a very large number of amendments, we are trying to finish tonight. We have arranged to get started with two amendments. We are going to accept one; and one is going to require a vote. Then, when we finish debating those—we might have to put off the vote, I say to Senator DURBIN, for a little while while we work out all these amendments. But we will eventually, at some point, have a vote on Senator DURBIN's amendment before we finish this bill.

We are going to listen for 10, 15 minutes to Senator HARKIN's concerns about the NIF project at Lawrence Livermore. Senator REID and I have

agreed we will accept his amendment tonight and proceed after that to debate Senator DURBIN's amendment.

I say to Senator DURBIN, a Senator who is opposed to his amendment will arrive soon. I assume we will have a time agreement, if it is satisfactory to Senator BOND.

Can we do that right now?

Mr. REID. Will the Senator yield?

Mr. DOMENICI. Sure.

Mr. REID. I underline what the Senator from New Mexico has said. My friend from Illinois has three amendments he has filed. It is my understanding that he is going to offer one of those; and if there would be an up-or-down vote on that, he would withdraw two of the amendments—and not only an up-or-down vote but no second-degree amendments.

So the Senator from Illinois would agree—if I could have the attention of the Senator from New Mexico for just a minute. The Senator from Illinois would agree to 30 minutes equally divided, with a vote, with no second-degree amendments. That is my understanding, that we would have a vote on that at some time before final passage later tonight.

Mr. DOMENICI. I say to the Senator, I wonder if he would agree to 20 minutes equally divided?

Mr. DURBIN. I will be prepared to withdraw two of the three amendments. I will be prepared to limit my debate to no more than 10 minutes on my side, if we can agree also that it be an up-or-down vote on the amendment, as offered.

Mr. DOMENICI. We will have an up-or-down vote. We checked that with the opposition. It is not me agreeing. He wants to agree to that. So when he arrives, there will be 10 minutes on a side. I say to the Senator, you will agree to withdraw your other two amendments and proceed with the amendment with reference to the Missouri River that we have seen?

Mr. DURBIN. I will be happy to.

Mr. DOMENICI. Can we get an agreement with Senator HARKIN?

Mr. HARKIN. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. DOMENICI. I wonder if the Senator would let me have a minute?

Mr. HARKIN. Yes.

Mr. DOMENICI. I say to Senator DURBIN—I just got word—I hear Senator BOND is en route and that he did not say that he would agree to no amendments. I think he will when he gets to the floor, but I just want to make clear I probably overspoke. I thought he had said that.

Can we just wait for him to arrive?

Mr. DURBIN. I say to my friend, we will revisit it when he is on the floor.

Mr. DOMENICI. How much time does the Senator want on his amendment?

Mr. HARKIN. If I may have 15 minutes, that would be fine.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa has 15 minutes.

The clerk has yet to report the amendment. The amendment at the desk is not the same as the one filed. It will require unanimous consent to substitute.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4101, AS MODIFIED

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment I sent to the desk be substituted for the earlier amendment I had on file.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 4101, as modified.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(Purpose: To limit to \$74,100,000 the total amount of funds that may be expended for construction of the National Ignition Facility)

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) LIMITATION ON TOTAL COST OF CONSTRUCTION OF NATIONAL IGNITION FACILITY.—Notwithstanding any other provision of law, the total amount that may be expended for purposes of construction of the National Ignition Facility, including conceptual and construction design associated with the Facility, may not exceed \$74,100,000.

(b) INDEPENDENT REVIEW OF NATIONAL IGNITION FACILITY.—(1) The Administrator of the National Nuclear Security Administration shall provide for an independent review of the National Ignition Facility and the Inertial Confinement Fusion Program. The review shall be conducted by the National Academy of Sciences.

(2) The review under paragraph (1) shall address the following:

(A) Whether or not the National Ignition Facility is required in order to maintain the safety and reliability of the current nuclear weapons stockpile.

(B) Whether or not alternatives to the National Ignition Facility could achieve the objective of maintaining the safety and reliability of the current nuclear weapons stockpile.

(C) Any current technical problems with the National Ignition Facility, including the effects of such problems on the cost, schedule, or likely success of the National Ignition Facility project.

(D) The likely cost of the construction of the National Ignition facility, including any

conceptual and construction design and manufacture associated with construction of the Facility.

(E) The potential effects of cost overruns in the construction of the National Ignition Facility on the stockpile stewardship program.

(F) The cost and advisability of scaling back the number of proposed beamlines at the National Ignition Facility.

(3) Not later than September 1, 2001, the Administrator shall submit to Congress a report on the review conducted under this subsection. The report shall include the results of the review and such comments and recommendations regarding the results of the review as the Administrator considers appropriate.

Mr. HARKIN. Mr. President, this amendment has to do with the so-called NIF. I will use that acronym.

The National Ignition Facility is a massive research facility being built at the Department of Energy's Lawrence Livermore Labs in California. NIF supposedly—I use that word “supposedly”—was a part of the Stockpile Stewardship Program which is supposed to maintain the safety and reliability of our nuclear arsenal without exploding any nuclear weapons.

As many of my colleagues are aware, this is a deeply troubled program. The General Accounting Office recently issued a report that detailed management turmoil, cost overruns, slipping schedules, and unsolved technical problems. I am deeply concerned that we will pour more and more money into NIF, money that could be used for other scientific purposes. NIF appears to be mostly a jobs program for nuclear weapons scientists. That is the point.

Let me review the history of the cost projections for the National Ignition Facility. In 1990, a National Academy of Sciences panel estimated we could achieve ignition with a \$400 million facility. They called it a reasonable cost. Then it went up to \$677 million in 1993. Then it went up to \$2.1 billion this past June for construction costs and another \$1.1 billion for operation before it is completed. Then in August, the GAO found that the Department of Energy has still neglected to include the cost of targets and other parts of the program. They have now suggested a total cost of close to \$4 billion. It is going up all the time. We were up to \$4 billion in August. Outside experts, adding in operation costs for another 25 years, the uncertainties because research and development are underway, estimate the life-cycle costs are now somewhere upwards of about \$10 billion and counting. This is not a reasonable cost; it is a massive public boondoggle.

I will say that at this point—and I will say it again and again until we finally resolve this issue of the National Ignition Facility—if you liked the Clinch River breeder reactor that we debated here almost 20 years ago, that we poured billions of dollars into before we finally got rid of it, if you liked the Clinch River breeder reactor, you

will love this program. If you liked the Superconducting Super Collider, you would like this program.

Under Clinch River, we spent \$1.5 billion before we finally killed it. It was projected to cost \$3.5 billion. We thought that was outlandish. On the Superconducting Super Collider, we spent \$2.2 billion. It was estimated to cost over \$11 billion. We heard all the arguments; I remember them well. I was involved in both debates on Clinch River and on the Superconducting Super Collider: We have spent all that money; we are just going to let it go to waste.

We heard those arguments over and over again: Once we put that money in, we have to complete it.

I ask you, are we worse off as a country now because we did not build the Clinch River breeder reactor; we came to our senses in time? Are we worse off as a country because we came to our senses in time and did not complete the Superconducting Super Collider? Not at all. We are better off because we saved the money. Now we are down to the National Ignition Facility, another one of the big boondoggles of all time.

We have spent about \$800 million, give or take a few. It is estimated to cost about \$4 billion—slightly more than the Clinch River breeder reactor—and counting, as I said. Four billion is just one of the most recent estimates. It is going to be more than that. Yet we are hearing: Well, we have spent the \$800 million; we ought to keep spending the money.

As this National Ignition Facility continues, keep in mind the Clinch River breeder reactor, keep in mind the Superconducting Super Collider. Ask yourselves if we didn't do the right thing by stopping those at the time and saving our taxpayers money.

We have had a lot of problems with NIF. They have repeatedly tried to hide the true costs of the project. In fact, DOE and lab officials told GAO that they deliberately set an unrealistically low initial budget because they feared Congress would not fund a realistic one.

This is directly from the GAO report:

DOE and Laboratory officials associated with NIF told us that they recognized it would cost more than planned, but that they accepted this unrealistic budget in the belief that Congress would not fund NIF at a higher cost. . . .

They lied to us. They simply lied to us. They admitted it to GAO. Now they want more money. Is this what we reward? Is this the kind of good stewardship we reward?

We had an independent review last year that was supposed to come to Congress. The lab and DOE officials edited it before we got it. They have hidden problems from DOE. When Secretary Richardson praised the project out at Livermore last year, he proclaimed it on cost and on schedule. But the lab of-

ficials knew it was actually over budget and far behind. They had known it for months. They simply just did not tell the Secretary of Energy.

So what is this NIF? Why is it necessary? NIF is a stadium-sized building in which they plan to place 192 lasers all pointed at one very small BB-sized, even smaller pellet. When all these lasers fire at one time, it is going to create a lot of heat, a lot of pressure, hopefully, as they say, to create nuclear fusion. These weapons scientists hope they will achieve ignition; that is, to get more energy from the fusion than they put in with the lasers.

The stated purposes of NIF: One, to simulate conditions in exploding nuclear weapons; two, to maintain a pool of nuclear weapon scientists at Livermore; and three, to conduct basic research towards fusion energy.

Let me take the last one first. In the House I was on the Science and Technology Committee for 10 years. We had a lot of dealings with Lawrence Livermore at that time on something called Shiva, a big laser project. It cost us hundreds of millions of dollars. They were going to prove they could develop inertial confinement laser fusion energy. We spent a lot of money on it. It is now on the scrap heap someplace. We wasted a lot of money on that project, too.

Again, let me talk about the stockpile stewardship. It may be true that NIF would provide useful data for simulating nuclear weapons explosions. But we don't need that data to maintain the nuclear arsenal we have today. For decades, we have assured the safety and reliability of our nuclear weapons with a careful engineering program.

First of all, all the weapons we have in our stockpile were tested in more than 1,000 nuclear tests prior to the ban on nuclear explosions—1,000 of them. Secondly, in addition, every year, 11 weapons of each type are removed from the stockpile, taken apart, disassembled, and the components are carefully examined and tested for any signs of aging or other problems. All of the components can be tested, short of creating an actual nuclear explosion. If any problems are found, components can be remanufactured to original specifications.

So far, the evidence indicates that the weapons are not noticeably aging. These activities we have underway right now are low cost. Yet they provide a secure and tested way of maintaining our present nuclear stockpile. We don't need a \$4 billion facility at Lawrence Livermore to do what we are doing right now. We can and will continue these surveillance activities of our stockpile.

The kind of detailed information on nuclear explosions that NIF could provide is needed only to modify weapons or design new ones. But we don't need

to design any new nuclear weapons. Indeed, the more changes we make, the further we will move from the nuclear tests we have conducted and the less confident we can be that our nuclear weapons will work as intended.

In short, we have conducted over 1,000 nuclear explosions and tests. We have designed, redesigned, compacted, made smaller specifically designed nuclear weapons. We don't need the NIF for any more design, but that is what they intend to do with it. That is why scientists of widely divergent views on other issues agree we do not need NIF for stockpile stewardship.

Edward Teller, known as the father of the hydrogen bomb, when asked what role NIF would have in maintaining the nuclear stockpile, replied, "None whatsoever."

Robert Puerifoy, former vice president of Sandia Lab, said, "NIF is worthless . . . it can't be used to maintain the stockpile, period."

Seymour Sack, a former weapons scientist at Livermore, called NIF "worse than worthless" for stockpile stewardship.

Again, the NIF facility also cannot be justified for basic science or fusion energy research. About 85 percent of the planned experiments are for nuclear weapons physics. Most of the remainder are on nuclear weapons effects. So there is precious little left for any kind of basic or applied sciences.

What we are left with is a \$4 billion full employment program for a few nuclear weapons scientists. We can do better than that. We certainly do need to maintain some nuclear weapons expertise as long as we maintain nuclear weapons. As I have said, there is a better way and a cheaper way than spending billions of dollars on construction contracts. It makes absolutely no sense to spend these billions when we have a well-settled, time-tested, proven way of making sure our nuclear stockpile is safe and is workable.

So not only is NIF not needed for this stockpile stewardship, but as the cost of this facility continues to escalate, it is going to steal funding from other stockpile stewardship activities. Just as we found that the Superconducting Super Collider was going to steal from other basic physics research, and as we found the Clinch River breeder reactor would take other needed energy programs, NIF is going to do the same thing.

The administration has requested an additional \$135 million for construction of NIF this year, and that is going to be taken from other stockpile stewardship activities, in addition to the \$74 million that is in this bill. So if you think we are only spending \$74 million on NIF, forget it. They have already requested to transfer another \$135 million from other activities.

The administration has requested an even larger increase for fiscal year 2002,

\$180 million, and hundreds of millions of dollars more in future years. Again, I submit that we will be starving basic science programs and physics programs in order to get the money to build this project at Lawrence Livermore.

Even Sandia Lab has publicly expressed concern. They said in a statement earlier this year:

The apparent delay and significant increase in cost for the NIF is sufficient that it will disrupt the investment needed to be made at the other laboratories, and perhaps at the production plants, by several years. This causes us to question what is a reasonable additional investment in the National Ignition Facility.

Lastly—and I will end on this note—even if it is built, the National Ignition Facility may never achieve ignition. Even Lawrence Livermore's NIF project manager, Ed Moses, suggested, "The goal of achieving ignition is a long shot." Physicist Leo Mascheroni is quoted in the August 18 issue of Science magazine as saying, "From my point of view, the chance that this reaches ignition is zero. Not 1 percent. Those who say 5 percent are just being generous to be polite." Well, there you have it.

If it does work, the NIF may itself be a nuclear proliferation threat. The Lawrence Livermore Institutional Plan describes the main purpose of NIF:

To play an essential role in assessing physics regimes of interest in nuclear weapons design and to provide nuclear weapon-related physics data, particularly in the area of secondary design.

So that is what it is for—designing new nuclear weapons. But we don't need to. It is of dubious value in maintaining the stockpile when we already have, as I said, a time-tested, proven way of doing so.

Well, Mr. President, the amendment I offered basically leaves the \$74.1 million that is in the bill. But it only says that was all they could use right now. My amendment says the administrators of the National Nuclear Security Administration shall provide for an independent review of the NIF and the Inertia Confinement Review Program. This review shall be conducted by the National Academy of Sciences.

I have asked that the review address the following: whether it is required in order to maintain the reliability and safety of the stockpile; whether or not the alternatives could achieve the same objective; any current technical problems that we have; the likely cost of the construction; the potential effects of cost overruns; lastly, the cost and availability of scaling back the number of proposed beam lines at the NIF.

Basically, what I am saying is let's put the money in that we have now, but let's have the National Academy of Sciences do an independent study that would not be reviewed and edited by Lawrence Livermore, and this report would be submitted by September of

2001. That is really what this amendment does. I am grateful to the manager and the chairman of the committee for accepting the amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, before my friend from New Mexico speaks, I want to tell my friend from Iowa how appreciative I am of him bringing this to the floor. With his statement tonight, he has made it so the National Ignition Facility will be given a much closer look. It needs to be looked at much more closely. I already have a statement in the RECORD, and I don't need to repeat how I feel about this whole project. I want to acknowledge to my friend what a great service he has rendered to the country by his statement tonight.

Mr. HARKIN. Mr. President, I say to the Senator from Nevada that we really started questioning this because of some of the information the Senator from Nevada was given by officials from the DOE in Lawrence Livermore. That raised a lot of questions about where we were headed.

I thank the Senator from Nevada for his leadership on this issue.

Mr. DOMENICI. Mr. President, the Senator from Arizona wants to use a few minutes on this discussion. But before we do that, I wonder if I can get a unanimous consent agreement that has been cleared by both sides.

I ask unanimous consent that a vote occur on the Durbin amendment at 8 p.m. and there be up to 20 minutes of debate to be equally divided prior to the vote and no second-degree amendments be in order prior to the vote.

Second, I ask unanimous consent that prior to the vote on the Durbin amendment Senator HARKIN be recognized to offer his amendment—which he has already offered—the National Ignition Facility amendment, that time on the amendment be limited to 30 minutes for the full debate; that no second-degree amendments be in order; that Senator HARKIN has used his time, and we will not use 15 minutes on our side.

I further ask unanimous consent that prior to the vote relative to the Durbin amendment the two managers be recognized to offer all the cleared amendments and amendments that we have to modify to get cleared;

And, finally, I ask unanimous consent that immediately following the disposition of the Durbin amendment the bill be advanced to third reading, the Senate proceed to passage of H.R. 4733, following the passage of the bill the Senate insist on its amendments and request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate which would be the entire subcommittee.

Mr. REID. Mr. President, reserving the right to object, I would like to

make sure it is clear that the Senator from Illinois will have an up-or-down vote on his amendment and that there will be no motion to table.

Mr. DOMENICI. That is correct. I think I said that. I am glad to have the clarification.

Mr. REID. Also, even though this isn't part of the unanimous consent request, because we have so much, I wonder if we could have some general idea about how long the Senator from Arizona wishes to speak.

Mr. KYL. Five minutes.

Mr. REID. Could we make that part of the unanimous consent agreement?

Mr. DOMENICI. Yes.

Mr. HARKIN. Mr. President, I did not hear what the Senator from New Mexico said about my amendment.

Mr. DOMENICI. We were offering this as if the Senator had not given it, and I was trying to say he already has. I thank the Senator for asking.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate Senator DOMENICI yielding some time to me.

I think, while we have accepted this amendment, it is important that the RECORD be corrected because Senator HARKIN said some things that I believe not to be correct.

I also think that we need to be careful about how we act around here.

The fact that some people made some estimates as to how much it was going to cost to construct the National Ignition Facility and in fact were greatly underestimating the cost of the facility should not be a reason for us to suggest that this facility is unnecessary. They suggest that it is a "boondoggle," to use the word of the Senator from Iowa. They suggest that it is in the same category of some other discretionary projects which we end up not funding in Congress. In fact, the Senator from Iowa and others recognized its importance in their support for the Comprehensive Test Ban Treaty when they argued that we didn't need testing any more because we were going to have this wonderful Stockpile Stewardship Program, a part of which is the ignition facility, and, therefore, they were willing to rely upon the Stockpile Stewardship Program and the National Ignition Facility in lieu of testing forevermore. We are going to give up testing forevermore, Senator HARKIN and others who supported the test ban treaty said.

Now they are saying: Well, actually we don't need the National Ignition Facility, in our opinion. We are willing to submit the question of whether it is needed to some extraneous body.

But I will tell you that I visited with the head of the Lawrence Livermore Lab yesterday, and I talked to any number of Department of Defense and

Department of Energy officials, as well as lab people, and every one of them will confirm that the National Ignition Facility is a critical component of the Stockpile Stewardship Program. Without it, eventually the Stockpile Stewardship Program provides you nothing in terms of data. And, indeed, our National Laboratories would probably not be able to certificate the stockpile of the United States, which, of course, would require advertising—something I know the Senator from Iowa would not want.

The National Ignition Facility is a key component of the Stockpile Stewardship Program because it will actually allow an event to occur that simulates a nuclear explosion. Calculations can then occur based upon that event to either confirm or deny the theory that the scientists have developed that they plugged into the computers.

But there is a point at which you can run all the calculations you want. Unless you have something to compare them to, some real event, they are worthless or meaningless.

That is why the ignition facility is so important. Even though it is a little miniature thing—it is not like a big nuclear explosion—it can provide them with the data they need to then validate the theories of the Stockpile Stewardship Program which they have run on their computers.

The argument of the Senator from Iowa, it seems to me, is a little bit like this: He loans the family car out to his son for a date. He says: Be careful, son. Be in by midnight. The son comes back at midnight: Gee, dad. I am sorry, I wrecked the car. The dad says: It is such a horrible thing you did that we are not going to repair the car. You are cutting off your nose to spite your face.

It is true that the cost of this program has gone up. I believe it has gone up because of mistakes that were made on the part of the laboratory in deciding how much this was going to cost.

It is easy for us to stand up and criticize it and say you all made a mistake. That is easy to do. I will join my colleague in that criticism. But what do you do about it? Do you decide you are not going to go ahead with the facility that all of the experts say is critical because it is going to cost more? That is true. But it is still critical. You can't just say because it is going to cost more than we thought that we are just going to give up on the whole project. At least you can't advocate the Stockpile Stewardship Program, as I know my colleague from Iowa is.

I want to make this point, even though this amendment is going to be accepted. I am hopeful and I presume that it will not be a part of the final legislation that goes to the President for his signature. It would be wrong to cap the funding on this, and it would be wrong to assume that the National Ig-

nition Facility is not a critical part of the Stockpile Stewardship Program.

I want to be able to correct the record so we don't leave any misimpression that somehow this is a discretionary program, that we may not need it, and because it is going to cost somewhat more than we thought, therefore we should be willing to jet-tison it.

It is a critical component to ensure the viability, the reliability, and the safety of our nuclear stockpile. I assume every one of us in this room is very firmly committed to the proposition that the nuclear stockpile of the United States must be safe and reliable, and if it takes this National Ignition Facility to ensure that, then we ought to be willing to support it even if it is going to cost a little bit more than we originally anticipated.

I appreciate the strong work of the Senator from New Mexico on this, and his willingness to yield me this time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator KYL. I believe that is the end of the discussion, unless the Senator from Iowa wanted a couple of minutes.

Mr. HARKIN. Another minute.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend from Arizona. I think what Senator KYL has said indicates why we need a little bit more robust debate on this issue than what we are having tonight. I know it is late. We are moving on. But I really think we need to have a pretty involved discussion and debate on this issue. Obviously, we have a disagreement on this issue. Again, I agree with the Senator from Arizona that we want our stockpiles to be safe and reliable. The question is, What is the best methodology to accomplish that at the cheapest cost to the taxpayers and that perhaps will not open the door to other problems down the road while we might agree upon the basis of how we get there? That is why I think we really need a more robust debate on this issue of the National Ignition Facility than what we have had in the past.

Businesses disagree on this. Scientists disagree on it. Obviously, politicians are disagreeing on it. That is why on this one, which is going to cost a lot of money, I hope that next year—we will not this year, but I hope next year—we can keep this study. I hope we do have the study, as the Senator from Arizona said, by some outside body. The amendment calls for the National Academy of Sciences to do it. I can't think of a more appropriate body to do an independent analysis of the study than the National Academy of Sciences, where they can call on a broad variety of different disciplines to have input.

I hope we at least have that and come back next year. Let's have a

more robust and more involved debate on whether or not we really want to continue with the National Ignition Facility.

Mr. KYL. Mr. President, I ask unanimous consent that a document entitled "National Ignition Facility (NIF)—An Integral Part of the Stockpile Stewardship Program" be printed in the RECORD to make the point that the Clinton administration and five laboratory directors believe this is a critical project and that at least \$95 million is necessary in fiscal year 2001 for the NIF projects.

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

NATIONAL IGNITION FACILITY (NIF)—AN INTEGRAL PART OF THE STOCKPILE STEWARDSHIP PROGRAM

The NNSA is currently in the process of developing its long-term plan for the Stockpile Stewardship Program (SSP). This plan will address all elements needed to maintain the safety, security, and reliability of the nation's nuclear weapons stockpile now and into the future, including science, infrastructure, and people.

NIF supports the SSP, and is a vital element of the SSP in three important ways: (1) the experimental study of issues of aging or refurbishment; (2) weapons science and code development; and (3) attracting and training the exceptional scientific and technical talent required to sustain the SSP over the long term. NIF is an integral part of the SSP providing unique experimental capabilities that complement other SSP facilities including hydrotests, pulsed power, and advanced radiography. NIF addresses aspects of the relevant science of materials that cannot be reached in other facilities.

We concur that the NIF offers a unique, critical capability within a "balanced" SSP. As with other elements of the SSP, its long-term role must be integrated within the overall requirements of the Program. Options should not be foreclosed or limited but should be maintained to allow for its further development. At this critical juncture, we agree that in order to maintain the NIF within a balanced program an additional \$95 million is necessary in FY 2001 for the NIF Project.

MADELYN R. CREEDON,
NNSA.
C. BRUCE TARTER, LLNL.
JOHN C. BROWNE, LANL.
C. PAUL ROBINSON, SNL.

Date: September 6, 2000.

ENERGY AND WATER
APPROPRIATIONS

NATIONAL IGNITION FACILITY

Mr. KYL. Mr. President, the National Ignition Facility (NIF) is a major part of the Stockpile Stewardship Program, which is a set of programs and facilities that are designed to allow the United States to maintain the safety and reliability of our nation's vital nuclear deterrent.

It is hoped that at some point in 10 to 20 years that the stockpile Stewardship Program can be a replacement for actual nuclear testing. The jury is still out on whether it can in fact eventually accomplish this goal. I support

Stockpile Stewardship Program because it will improve our knowledge about our nuclear weapons. The fact is that, despite our technical expertise, there is much we still do not understand about our own nuclear weapons. As C. Paul Robinson, Director of the Sandia National Laboratory has said, "Some aspects of nuclear explosive design are still not understood at the level of physical principles."

America's nuclear weapons are the most sophisticated in the world. Each one typically has thousands of parts, and over time the nuclear materials and high explosive triggers in our weapons deteriorate and we lack experience predicting the effects of these changes. Some of the materials used in our weapons, like plutonium, enriched uranium, and tritium, are radioactive materials that decay, and as they decay they also change the properties of other materials within the weapon. We lack experience predicting the effects of such aging on the safety and reliability of our weapons. We did not design our weapons to last forever. The shelf life of our weapons was expected to be about 20 years. In the past, we did not encounter problems with aging weapons, because we were fielding new designs and older designs were retired.

As the Department of Energy said in its review of the Stockpile Stewardship Program completed on November 23, 1999, "The NIF is one of the most vital facilities in the stockpile stewardship program." This facility at the Lawrence Livermore National Laboratory in California is roughly the same size as a stadium, and is designed to produce the intense pressures and temperatures needed to simulate in a laboratory the thermonuclear conditions achieved in nuclear explosions. The NIF will accomplish this goal by focusing 192 laser beams on a "dime-sized" piece of plutonium. When completed, the NIF will be the world's most powerful laser facility, about 60 times more powerful than the next largest DOE laser facility, the NOVA laser.

As a review conducted in 1994 by the so-called, JASON panel, a Defense Department panel of nuclear experts said "The NIF is without question the most scientifically valuable of the programs proposed for the Science Based Stockpile Stewardship program, particularly in regard to research and 'proof-of-principle' for ignition, but also more generally for fundamental science. As such, it will promote the goal of sustaining a high-quality group of scientists with expertise related to the nuclear weapons program."

There is a consensus among the three national laboratories and at the National Nuclear Security Administration that additional funding above the level in the current version of the Energy and Water Appropriations bill for the NIF program needs to be increased. In a joint statement dated September

6, 2000, Dr. Bruce Tarter, the Director of the Lawrence Livermore National Laboratory, Dr. John Browne, the Director of the Los Alamos National Laboratory, Dr. Paul Robinson, the Director of Sandia National Laboratory, and Madelyn Creedon, the Deputy Administrator for Defense Programs at the National Nuclear Security Administration stated:

NIF supports the SSP, and is a vital element of the SSP in three important ways: (1) the experimental study of issues of aging or refurbishment; (2) weapons science and code development; and (3) attracting and training the exceptional scientific and technical talent required to sustain the SSP over the long term. NIF is an integral part of the SSP providing unique experimental capabilities that complement other SSP facilities including hydrotests, pulsed power, and advanced radiography. NIF addresses aspects of the relevant science of materials that cannot be reached in other facilities.

We concur that the NIF offers a unique, critical capability within a "balanced" SSP. As with other elements of the SSP, its long-term role must be integrated within the overall requirements of the Program. Options should not be foreclosed or limited but should be maintained to allow for its further development. At this critical juncture, we agree that in order to maintain the NIF within a balanced program, an additional \$95 million [above the President's original budget request] is necessary in FY 2001 for the NIF Project.

The NIF program has recently experienced delays and cost overruns. But new management for the program is in place. The facility has undergone and passed intensive scientific and programmatic reviews that were recently conducted. And the management problems and lack of oversight that led to the earlier delays and cost overruns are understood and should therefore be preventable.

We are well along toward completion of the NIF facility. Construction of the facility to house the laser beams, a \$260 million project itself, is about 90% complete. 80% of the large components for the infrastructure for the laser beams has been procured and is either on site or on the way. The NIF program at Lawrence Livermore Lab has 800 scientists and technicians on the project. Delaying the program, which would result in a standing army of technicians, or canceling it, which would prevent the achievement of the goals of the Stockpile Stewardship Program simply makes no sense.

There is bipartisan support for this program and the Administration supports the program. Undersecretary of State John Holum said in a letter on June 12, 2000 that, "I strongly support this essential national security program. We must avoid the complacency of not doing enough in stewardship. We need to make a long-term commitment to use our scientific prowess to maintain a safe and reliable stockpile of nuclear weapons. . . . The problems with NIF are not scientific. . . . I urge you to support the program."

The NIF is essential to our Stockpile Stewardship Program, which itself is an essential to maintain our nuclear weapons.

Mr. SCHUMER. Mr. President, I want to thank Senator HARKIN for modifying his amendment to the Energy and Water Appropriations bill. The original amendment would have eliminated construction money for the National Ignition Facility (NIF) which is an essential component to our Stockpile Stewardship Program. Any elimination of funding for the program would negate the nearly \$1 billion Congress has spent on this project thus far, and would cripple our nation's arms control and non-proliferation efforts. Still, the amendment agreed to does limit the amount of funding for Fiscal Year 2001 which will make it increasingly difficult to meet the goals of the project.

The United States has made a strong commitment against underground nuclear testing. In order to meet this goal and maintain the nuclear deterrent of the United States, we must have a safe, reliable, and effective science based Stockpile Stewardship Program (SSP).

As a key element to the SSP, NIF will be the only facility able to achieve conditions of temperature and pressure in a laboratory setting that have only been reached in explosions of thermonuclear weapons and in the stars. It is expected to provide important contributions to the goals of stockpile stewardship in the absence of nuclear testing and to contribute to the advancement of inertial fusion energy and other scientific research efforts.

I am proud that institutions and contractors throughout New York State have provided valuable services and tools for this project that are essential to its completion. Because New York companies and research institutions provide laser, optics, and other tools, underground nuclear testing will no longer be necessary. That would be a huge benefit to the entire world.

I understand that DOE has recognized that there are some problems with NIF, but DOE is working hard to take the necessary steps to correct these issues. Project management has been restructured and has demonstrated over the last six months that it is capable of managing a project of this scope. It has already been determined that the underlying science associated with NIF is sound.

Until DOE's investigation is complete, it is premature to cut funding for this program. The cost increases should not override the importance of this project in our goal to ensure the safety and reliability of our nuclear weapons.

Any repeal of this funding will cripple the valuable science and knowledge that is coming together from around the world in our effort to maintain the United States nuclear deterrent.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4101) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4024, 4032, 4033, 4039, 4040, 4042, 4046, 4047, 4057, 4062, 4063, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4078, 4083, 4085, 4088, 4093, 4100, 4102, AND 4103, EN BLOC

Mr. DOMENICI. Senator REID and I have jointly reviewed and considered a large number of amendments filed by our colleagues, to which we can agree. This is a little bit unique because all are filed, all have numbers, and all are, therefore, reviewable by anybody desiring to review them.

I send to the desk a list of those amendments and ask they be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments Nos. 4024, 4032, 4033, 4039, 4040, 4042, 4046, 4047, 4057, 4062, 4063, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4078, 4083, 4085, 4088, 4093, and 4100, 4102, and 4103, en bloc.

The amendments are as follows:

AMENDMENT NO. 4024

(Purpose: To authorize the Corps of Engineers to include an evaluation of flood damage reduction measures in the study of Southwest Valley Flood Reduction, Albuquerque, New Mexico)

On page 47, line 18 before the period, insert the following: “: *Provided*, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff”.

AMENDMENT NO. 4032

Starting on page 64, line 24, strike all through page 66, line 7.

AMENDMENT NO. 4033

(Purpose: To establish a Presidential Energy Commission to expore long- and short-term responses to domestic energy shortages in supply and severe spikes in energy prices)

On page 93, between lines 7 and 8, insert the following:

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 4. PRESIDENTIAL ENERGY COMMISSION.

(a) FINDINGS.—Congress finds that—

(1) crude oil and natural gas account for two-thirds of America’s energy consumption;

(2) in May 2000, United States natural gas stocks totaled 1,450 billion cubic feet, 36 percent below the normal natural gas inventory of 2,281 billion cubic feet;

(3) in July 2000, United States crude oil inventories totaled 298,000,000 barrels, 11 per-

cent below the 24-year average of 334,000,000 barrels;

(4) in June 2000, distillate fuel (heating oil and diesel fuel) inventories totaled 103,700,000 barrels, 26 percent below the 24-year average of 140,000,000 barrels;

(5) combined shortages in inventories of natural gas, crude oil, and distillate stocks, coupled with steady or increased demand, could cause supply and price shocks that would likely have a severe impact on consumers and the economy; and

(6) energy supply is a critical national security issue.

(b) PRESIDENTIAL ENERGY COMMISSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall establish, from among a group of not fewer than 30 persons recommended jointly by the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate, a Presidential Energy Commission (referred to in this section as the “Commission”), which shall consist of between 15 and 21 representatives from among the following categories:

(i) Oil and natural gas producing States.

(ii) States with no oil or natural gas production.

(iii) Oil and natural gas industries.

(iv) Consumer groups focused on energy issues.

(v) Environmental groups.

(vi) Experts and analysts familiar with the supply and demand characteristics of all energy sectors.

(vii) The Energy Information Administration.

(B) TIMING.—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(C) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(D) CHAIRPERSON.—The members of the Commission shall appoint 1 of the members to serve as Chairperson of the Commission.

(E) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(F) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(2) DUTIES.—

(A) IN GENERAL.—The Commission shall—

(i) conduct a study, focusing primarily on the oil and natural gas industries, of—

(I) the status of inventories of natural gas, crude oil, and distillate fuel in the United States, including trends and projections for those inventories;

(II) the causes for and consequences of energy supply disruptions and energy product shortages nationwide and in particular regions;

(III) ways in which the United States can become less dependent on foreign oil supplies;

(IV) ways in which the United States can better manage and utilize its domestic energy resources;

(V) ways in which alternative energy supplies can be used to reduce demand on traditional energy sectors;

(VI) ways in which the United States can reduce energy consumption;

(VII) the status of, problems with, and ways to improve—

(aa) transportation and delivery systems of energy resources to locations throughout the United States;

(bb) refinery capacity and utilization in the United States; and

(cc) natural gas, crude oil, distillate fuel, and other energy-related petroleum product storage in the United States; and

(VIII) any other energy-related topic that the Commission considers pertinent; and

(ii) not later than 180 days after the date of enactment of this Act, submit to the President and Congress a report that contains—

(I) a detailed statement of the findings and conclusions of the Commission; and

(II) the recommendations of the Commission for such legislation and administrative actions as the Commission considers appropriate.

(B) TIME PERIOD.—The findings made, analyses conducted, conclusions reached, and recommendations developed by the Commission in connection with the study under subparagraph (A) shall cover a period extending 10 years beyond the date of the report.

(c) USE OF FUNDS.—The Secretary of Energy shall use \$500,000 of funds appropriated to the Department of Energy to fund the Commission.

(d) TERMINATION OF COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under subsection (b)(2)(A)(ii).

AMENDMENT NO. 4039

(Purpose: To provide for funding of innovative projects in small rural communities in the Mississippi Delta to demonstrate advanced alternative energy technologies)

On page 67, line 4, strike “Fund:” and insert “Fund, of which an appropriate amount shall be available for innovative projects in small rural communities in the Mississippi Delta, such as Morgan City, Mississippi, to demonstrate advanced alternative energy technologies, concerning which projects the Secretary of Energy shall submit to Congress a report not later than March 31, 2001:”.

AMENDMENT NO. 4040

(Purpose: To require an evaluation by the Department of Energy of the Adams process)

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) FINDING.—Congress finds that the Department of Energy is seeking innovative technologies for the demilitarization of weapons components and the treatment of mixed waste resulting from the demilitarization of such components.

(b) EVALUATION OF ADAMS PROCESS.—The Secretary of Energy shall conduct an evaluation of the so-called “Adams process” currently being tested by the Department of Energy at its Diagnostic Instrumentation and Analysis Laboratory using funds of the Department of Defense.

(c) REPORT.—Not later than September 30, 2001, the Secretary of Energy shall submit to Congress a report on the evaluation conducted under subsection (b).

AMENDMENT NO. 4042

(Purpose: To provide funding for a topographic study of coastal Louisiana)

Insert the following at the end of line 18, page 47 before the period. “: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$200,000, of funds appropriated herein for Research and Development, for a topographic/bathymetric mapping project for Coastal Louisiana in cooperation with the National Oceanic and Atmospheric Administration at the interagency federal laboratory in Lafayette, Louisiana.”

AMENDMENT NO. 4046

On page 67, line 9, after "activities" insert the following: ", and *Provided Further*, That, of the amounts made available for energy supply \$1,000,000 shall be available for the Office of Arctic Energy."

AMENDMENT NO. 4047

(Purpose: To direct the Secretary of Energy to submit to Congress a report on national energy policy)

On page 90, between lines 6 and 7, insert the following:

SEC. 3 . REPORT ON NATIONAL ENERGY POLICY.

(a) FINDINGS.—Congress finds that—

(1) since July 1999—

(A) diesel prices have increased nearly 40 percent;

(B) liquid petroleum prices have increased approximately 55 percent; and

(C) gasoline prices have increased approximately 50 percent;

(2)(A) natural gas is the heating fuel for most homes and commercial buildings; and

(B) the price of natural gas increased 7.8 percent during June 2000 and has doubled since 1999;

(3) strong demand for gasoline and diesel fuel has resulted in inventories of home heating oil that are down 39 percent from a year ago;

(4) rising oil and natural gas prices are a significant factor in the 0.6 percent increase in the Consumer Price Index for June 2000 and the 3.7 percent increase over the past 12 months;

(5) demand for diesel fuel, liquid petroleum, and gasoline has continued to increase while supplies have decreased;

(6) the current energy crisis facing the United States has had and will continue to have a detrimental impact on the economy;

(7) the price of energy greatly affects the input costs of farmers, truckers, and small businesses; and

(8) on July 21, 2000, in testimony before the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary of Energy stated that the Administration had developed and was in the process of finalizing a plan to address potential home heating oil and natural gas shortages.

(b) REPORT.—Not later than September 30, 2000, the Secretary of Energy shall submit to Congress a report detailing the Department of Energy's plan to address the high cost of home heating oil and natural gas.

AMENDMENT NO. 4057

(Purpose: Concentrating Solar Demonstration Project)

Insert at the end of line 9, page 67 of the bill "*Provided further*, That \$1,000,000 is provided to initiate planning of a one MW dish engine field validation power project at UNLV in Nevada".

AMENDMENT NO. 4062

(Purpose: To provide \$4,000,000 for the demonstration of an underground mining locomotive and an earth loader powered by hydrogen in Nevada)

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*, That \$4,000,000 shall be made available for the demonstration of an underground mining locomotive and an earth loader powered by hydrogen at existing mining facilities within the State of Nevada. The demonstration is subject to a private sector industry cost-share of not less than equal amount, and a

portion of these funds may also be used to acquire a prototype hydrogen fueling appliance to provide on-site hydrogen in the demonstration."

AMENDMENT NO. 4063

(Purpose: To provide \$5,000,000 to demonstrate a commercial facility employing thermo-depolymerization technology)

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*, That, \$5,000,000 shall be made available to support a project to demonstrate a commercial facility employing thermo-depolymerization technology at a site adjacent to the Nevada Test Site. The project shall proceed on a cost-share basis where Federal funding shall be matched in at least an equal amount with non-federal funding."

AMENDMENT NO. 4067

(Purpose: To provide that the Tennessee Valley Authority shall not proceed with a sale of mineral rights in land within the Daniel Boone National Forest, Kentucky, until after the Tennessee Valley Authority completes an environmental impact statement)

On page 97, after line 14, insert the following:

SEC. 7 . SALE OF MINERAL RIGHTS BY THE TENNESSEE VALLEY AUTHORITY.

The Tennessee Valley Authority shall not proceed with the proposed sale of approximately 40,000 acres of mineral rights in land within the Daniel Boone National Forest, Kentucky, until after the Tennessee Valley Authority completes an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

AMENDMENT NO. 4068

On page 47, line 18 after the phrase "to remain available until expended" insert the following: "*Provided*, That \$50,000 provided herein shall be for erosion control studies in the Harding Lake watershed in Alaska."

AMENDMENT NO. 4069

(Purpose: To provide \$2,000,000 for equipment acquisition for the Incorporated Research Institutions for Seismology (IRIS) PASSCAL Instrument Center)

At the appropriate place in the bill providing funding for Defense Nuclear Non-proliferation, insert the following: "*Provided further*, That \$2,000,000 shall be provided for equipment acquisition for the Incorporated Research Institutions for Seismology (IRIS) PASSCAL Instrument Center."

AMENDMENT NO. 4070

(Purpose: To provide \$3,000,000 to support a program to apply and demonstrate technologies to reduce hazardous waste streams that threaten public health and environmental security along the U.S.-Mexico border; and to provide \$2,000,000 for the Materials Corridor Partnership Initiative)

On page 73, line 22, after the word "expended", insert the following: "*Provided*, That, \$3,000,000 shall be made available from within the funds provided for Science and Technology to support a program to be managed by the Carlsbad office of the Department of Energy, in coordination with the U.S.-Mexico Border Health Commission, to apply and demonstrate technologies to reduce hazardous waste streams that threaten public health and environmental security in

order to advance the potential for commercialization of technologies relevant to the Department's clean-up mission. Provided further, That \$2,000,000 shall be made available from within the funds provided for Science and Technology to support a program to be managed by the Carlsbad office of the Department of Energy to implement a program to support the Materials Corridor Partnership Initiative."

AMENDMENT NO. 4071

On page 61, line 25, add the following before the period: "*Provided further*, That \$2,300,000 of the funding provided herein shall be for the Albuquerque Metropolitan Area Water Reclamation and Reuse project authorized by Title XVI of Public Law 102-575 to undertake phase II of the project".

AMENDMENT NO. 4072

(Purpose: To provide \$1,000,000 for the Kotzebue wind project)

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*, That, \$1,000,000 shall be made available for the Kotzebue wind project."

AMENDMENT NO. 4073

(Purpose: To provide \$2,000,000 for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in Southeast Alaska)

On page 67, line 4 after the word "Fund:" insert the following: "*Provided*, That, \$2,000,000 shall be made available for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in Southeast Alaska."

AMENDMENT NO. 4074

(Purpose: To provide \$500,000 for the bioreactor landfill project to be administered by the Environmental Education and Research Foundation and Michigan State University)

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*, That, \$500,000 shall be made available for the bioreactor landfill project to be administered by the Environmental Education and Research Foundation and Michigan State University."

AMENDMENT NO. 4076

(Purpose: To exempt travel within the LDRD program from the Department-wide travel cap)

On page 83, before line 20, insert the following new subsection:

"(c) The limitation in subsection (a) shall not apply to reimbursement of management and operating contractor travel expenses within the Laboratory Directed Research and Development program."

AMENDMENT NO. 4077

(Purpose: To provide erosion and sediment control measures resulting from increased flows related to the Cerro Grande Fire in New Mexico)

On page 93, line 18, strike "enactment" and insert: "enactment, of which \$2,000,000 shall be made available to the U.S. Army Corps of Engineers to undertake immediate measures to provide erosion control and sediment protection to sewage lines, trails, and bridges in Pueblo and Los Alamos Canyons downstream of Diamond Drive in New Mexico".

AMENDMENT NO. 4078

(Purpose: To provide that up to 8 percent of the funds provided to government-owned, contractor-operated laboratories shall be available to be used for Laboratory Directed Research and Development)

On page 82, line 24, strike "6" and replace with "8".

AMENDMENT NO. 4083

(Purpose: To prohibit the use of funds made available by this Act to carry out any activity relating to closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal, Delaware)

On page 58, between lines 13 and 14, insert the following:

"SEC. . ST. GEORGES BRIDGE, DELAWARE.

"None of the funds made available by this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal, Delaware, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal."

AMENDMENT NO. 4085

(Purpose: To provide for an additional payment from the surplus to reduce the public debt)

On page _____, after line _____, insert the following:

"DEPARTMENT OF THE TREASURY**"BUREAU OF THE PUBLIC DEBT****"SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2001****GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT**

"For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$5,000,000,000."

AMENDMENT NO. 4088

(Purpose: To provide sums to the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982)

On page 66, between lines 11 and 12 insert: "SEC. ____ The Secretary of the Interior is authorized and directed to use not to exceed \$1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330-268; 43 U.S.C. 390ww(i))."

AMENDMENT NO. 4093

(Purpose: To set aside funds for maintenance and repair of the Sakonnet Harbor breakwater in Little Compton, Rhode Island)

On page 53, line 8, strike "facilities;" and insert the following: "facilities, and of which \$500,000 shall be available for maintenance and repair of the Sakonnet Harbor breakwater in Little Compton, Rhode Island:"

AMENDMENT NO. 4100

(Purpose: To direct the Federal Energy Regulatory Commission to submit to Congress a report on electricity prices in the State of California)

On page 97, between lines 12 and 13, insert the following:

SEC. 7 . REPORT TO CONGRESS ON ELECTRICITY PRICES.

(a) FINDINGS.—Congress finds that—
(1) California is currently experiencing an energy crisis;

(2) rolling power outages are a serious possibility;

(3) wholesale electricity prices have soared, resulting in electrical bills that have increased as much as 300 percent in the San Diego area;

(4) small business owners and people on small or fixed incomes, especially senior citizens, are particularly suffering;

(5) the crisis is so severe that the County of San Diego recently declared a financial state of emergency; and

(6) the staff of the Federal Energy Regulatory Commission (referred to in this section as the "Commission") is currently investigating the crisis and is compiling a report to be presented to the Commission not later than November 1, 2000.

(b) REPORT.—

(1) IN GENERAL.—The Commission shall—

(A) continue the investigation into the cause of the summer price spike described in subsection (a); and

(B) not later than December 1, 2000, submit to Congress a report on the results of the investigation.

(2) CONTENTS.—The report shall include—

(A) data obtained from a hearing held by the Commission in San Diego;

(B) identification of the causes of the San Diego price increases;

(C) a determination whether California wholesale electricity markets are competitive;

(D) a recommendation whether a regional price cap should be set in the Western States;

(E) a determination whether manipulation of prices has occurred at the wholesale level; and

(F) a determination of the remedies, including legislation or regulations, that are necessary to correct the problem and prevent similar incidents in California or anywhere else in the United States.

AMENDMENT NO. 4102

(Purpose: To provide a greater level of recreation management activities on reclamation project land and water areas within the State of Montana east of the Continental Divide)

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . RECREATION DEVELOPMENT, BUREAU OF RECLAMATION, MONTANA PROJECTS.

(a) IN GENERAL.—To provide a greater level of recreation management activities on reclamation project land and water areas within the State of Montana east of the Continental Divide (including the portion of the Yellowtail Unit of the Pick-Sloan Project located in Wyoming) necessary to meet the changing needs and expectations of the public, the Secretary of the Interior may—

(1) investigate, plan, construct, operate, and maintain public recreational facilities on land withdrawn or acquired for the projects;

(2) conserve the scenery, the natural, historic, paleontologic, and archaeological objects, and the wildlife on the land;

(3) provide for public use and enjoyment of the land and of the water areas created by a project by such means as are consistent with but subordinate to the purposes of the project; and

(4) investigate, plan, construct, operate, and maintain facilities for the conservation of fish and wildlife resources.

(b) COSTS.—The costs (including operation and maintenance costs) of carrying out subsection (a) shall be nonreimbursable and nonreturnable under Federal reclamation law.

AMENDMENT NO. 4103

(Purpose: To modify the law relating to Canyon Ferry Reservoir, Montana)

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . CANYON FERRY RESERVOIR, MONTANA.

(a) APPRAISALS.—Section 1004(c)(2)(B) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-713; 113 Stat. 1501A-307) is amended—

(1) in clause (i), by striking "be based on" and inserting "use";

(2) in clause (vi), by striking "Notwithstanding any other provision of law," and inserting "To the extent consistent with the Uniform Appraisal Standards for Federal Land Acquisition,"; and

(3) by adding at the end the following:

"(vii) APPLICABILITY.—This subparagraph shall apply to the extent that its application is practicable and consistent with the Uniform Appraisal Standards for Federal Land Acquisition."

(b) TIMING.—Section 1004(f)(2) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-714; 113 Stat. 1501A-308) is amended by inserting after "Act," the following: "in accordance with all applicable law."

(c) INTEREST.—Section 1008(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-717; 113 Stat. 1501A-310) is amended by striking paragraph (4).

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 4024, 4032, 4033, 4039, 4040, 4042, 4046, 4047, 4057, 4062, 4063, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4078, 4083, 4085, 4088, 4093, 4100, 4102, and 4103) were agreed to.

FLOOD DAMAGE REDUCTION IN THE SOUTHWEST VALLEY OF ALBUQUERQUE, NEW MEXICO

Mr. BINGAMAN. Mr. President, I rise today to speak for a few minutes about my amendment to the Energy and Water Appropriations Bill now before the Senate. My amendment is needed to allow the Army Corps of Engineers to continue to work on a feasibility study to alleviate the chronic flooding in the Southwest Valley of Albuquerque, New Mexico.

First, I want to thank the chairman, Senator DOMENICI, the distinguished ranking member, Senator REID, and their fine staffs for all their good work on this Energy and Water Appropriations bill. This bill provides vital funding for a number of programs that are

important to my state of New Mexico and to the nation, and I thank them for their efforts.

For a number of years the Southwest Valley area of Albuquerque in my state of New Mexico has been prone to flooding after major rainstorms. The flooding has caused damage to irrigation and drainage structures, erosion of roadways, pavement, telephone and electrical transmission conduits, contaminated water and soil due to overflowing septic tanks, damaged homes, businesses, and farms, and presented hazards to automobile traffic. In 1997, Bernalillo County approached the Army Corps Engineers to request a reconnaissance study of the chronic flooding problems.

The study area encompassed 17.8 square miles of mostly residential neighborhoods along the banks of the Rio Grande in the Southwest Valley and the 50 square miles on the West Mesa, including the Isleta Pueblo, that drain into the valley. The reconnaissance study began in March 1998 and is now completed.

The conclusions of the reconnaissance study define the magnitude of the continuing flooding problem in the Southwest Valley. The study also established a clear federal interest in the drainage project, found a positive cost to benefit ratio for the project, and identified work items necessary to begin designing a range of solutions to alleviate the chronic flooding problems in the valley.

In 1999, based on the positive findings of the reconnaissance study, the Environment and Public Works Committee authorized the Army Corps of Engineers to conduct a full study to determine the feasibility of a project for flood damage reduction in Albuquerque's Southwest Valley. The authorization is contained in section 433 of the Water Resources Development Act of 1999—P.L. 106-53. I want to thank the EPW committee for authorizing this much needed feasibility study. The study began in March 1999 and is expected to be completed in February 2002.

Currently, Bernalillo County, the Albuquerque Metropolitan Arroyo Flood Control Authority and the Corps are working cooperatively on the feasibility study. Last year, the administration requested, and the Congress appropriated \$250,000 in federal funding for the feasibility study. This year, the request was for \$330,000. I want to thank the committee for again providing the full amount requested.

Last July I had an opportunity to meet with the engineers from the Corps, the County, and AMAFCA to get an update on the study and to tour the areas in the Southwest Valley that are subject to chronic flooding. At the end of the tour, the Corps indicated to me that based on the initial results of the feasibility study, the flooding there

was quite severe but the project did not seem to meet the Corps' required flow criterion of 1800 cubic feet per second for the 100-year flood. These flow criteria are outlined in the Engineering Regulations established for Corps. Because of the obvious severity of the flooding, the engineers requested a legislative waiver of the regulations. Without a waiver, the Corps could not continue as a partner in the project. They also indicated the Corps' regulations do not contain any provision to waive the peak discharge criterion.

I would like to take a few moments to describe briefly the unique situation in the Southwest Valley that necessitates a waiver of the Corps' standard regulations. The land along the west side of the Rio Grande is essentially flat. The river is contained by large earthen levees, which were built for flood control. When a river is contained this way by levees, the sediment accumulates in the river bed, slowly raising the level of the river. Of course, if there were no levees, when sediment builds up, the river would simply change course to a lower level. However, over the years, as the sediment has continued to accumulate in the Rio Grande, the level of the river within the levees is now higher than the surrounding land. Thus, when there are heavy rains during the monsoon season, the runoff has nowhere to go—it simply flows into large pools on the valley floor, flooding homes and farms. The water can't flow uphill into the river, so it stays there until it either evaporates or is pumped up and hauled away.

If the flood water sits in large pools and isn't flowing, it clearly can't meet any criterion based on the flow rate of water. Indeed, given the unique nature of the flooding in the Southwest Valley, most areas subject to chronic flood damage do not meet the Corps' peak discharge criterion.

During my visit in July, the three partners in the feasibility study specifically asked me for help in obtaining a waiver of the Corps' technical requirements to deal with this special situation. My amendment provides the necessary waiver the Corps needs to continue to work in partnership with the county and AMAFCA on this project. This is not a new authorization; Congress authorized this study last year. My amendment is a simple technical fix to the existing authorization. Similar language is already in the House companion to this Energy and Water appropriations bill. I do believe the unique situation in Bernalillo County warrants a waiver of the Corps' standard regulations, and I hope the Senate will adopt my amendment.

Mr. REID. Mr. President, on the amendments en bloc, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I yield to Senator GRASSLEY from Iowa for 2 minutes with reference to explaining an amendment in which he procured a number of cosponsors, which was just accepted. He would like to talk about it.

Heretofore, Senator KYL was referring to the Senator from Iowa, and there were two Senators from Iowa on the floor. I believe it should be reflected that he was speaking of Senator HARKIN from Iowa, not Senator GRASSLEY.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized for 2 minutes.

Mr. GRASSLEY. In the first place, I ask unanimous consent, to the amendment I have had filed at the desk that was just accepted, that the additional cosponsors be added of Senators DEWINE, LUGAR, and KERREY. I thank Senator DOMENICI and Senator REID for accepting the amendment.

Mr. President, I would like to take this opportunity to introduce a critically important amendment to the Energy and Water Appropriations bill, and I would like to thank Senators GRAMS, VOINOVICH, DEWINE, LUGAR, KERREY of Nebraska, and SNOWE for joining me in this effort.

This amendment would require the administration to provide Congress their plan to address the increasing costs in home heating fuels by September 30. Quite frankly, this plan is long overdue.

Mr. President, on July 3 of this year, I wrote President Clinton and Energy Secretary Richardson to bring their attention to the ever-increasing price of natural gas. I also shared my concern regarding the inadequacy of natural gas supplies to meet demand through the summer and into this winter. I requested that the President inform me of the actions he planned to take to address the higher-than-normal heating bills my constituents will surely face this winter.

Jack Lew, Director of the Office of Management and Budget responded to my letter on July 31. Regrettably, Mr. Lew thanked me for expressing my concerns regarding the increase in fuel costs this past winter.

Let me repeat that. In response to my letter about the inadequacy of home heating fuel for the upcoming winter to the President, I received a letter thanking me for my concerns about the increase in fuel costs last winter. Mr. President, it is this type of irresponsible behavior that has led this country into the next energy crisis.

Today, natural gas is at a record high near \$5.00 per million BTU's, while supplies hover below the five-year average. This 50 percent increase will certainly impact the more than 80 percent of

Iowa households which use natural gas to heat their homes.

Furthermore, home heating oil is near a 10-year high, at 98 cents per gallon, already 41 percent above the average price last fall and winter. And crude oil remains near a 10-year high.

While testifying before the Senate Agriculture Committee on July 20, Secretary Richardson stated that the administration had developed a plan and was in the process of finalizing a plan to address potential home heating oil and natural gas shortages. Mr. Secretary, I have not seen your plan. I want to see the plan.

I won't allow the Department of Energy to sit idly by as home heating fuels double. For this reason, I am offering this amendment to require the Department of Energy to provide a report to Congress by September 30, 2000, detailing their plan to address the high cost of home heating oil and natural gas.

I believe this amendment will force the administration to take a much more active role in remedying the home heating fuel crisis.

AMENDMENTS NOS. 4034, 4035, 4036, 4037, 4043, 4051, 4055, 4056, 4058, 4061, 4064, 4079, 4080, 4082, 4092, 4096, AND 4112, EN BLOC, AS MODIFIED

Mr. DOMENICI. On behalf of myself and Senator REID, I have a series of amendments, again, offered by number, which are filed, which anybody can read, which have been carefully reviewed and can be agreed to with certain modifications. In each instance, the modification is before the Senator from New Mexico and has been reviewed by the Senator from Nevada and with the proponents of the amendment and the authorizing committee that might be interested. I send to the desk this list of modified amendments and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc, as modified.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments Nos. 4034, 4035, 4036, 4037, 4043, 4051, 4055, 4056, 4058, 4061, 4064, 4079, 4080, 4082, 4092, 4096, and 4112, en bloc, as modified.

The amendments, as modified, are as follows:

AMENDMENT NO. 4034, AS MODIFIED

(Purpose: To state the sense of the Senate regarding limitations on the capacity of the Department of Energy to augment funds for worker and community assistance grants in response to the closure or downsizing of Department of Energy facilities)

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) FINDINGS.—The Senate makes the following findings:

(1) The closure or downsizing of a Department of Energy facility can have serious economic impacts on communities that have been built around and in support of the facility.

(2) To mitigate the devastating impacts of the closure of Department of Energy facilities on surrounding communities, section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h) provides a mechanism for the provision of financial assistance to such communities for redevelopment and to assist employees of such facilities in transferring to other employment.

(4) Limitations on the capacity of the Department of Energy to seek reprogramming of funds for worker and community assistance programs in response to the closure or downsizing of Department facilities undermines the capability of the Department to respond appropriately to unforeseen contingencies.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in agreeing to the conference report to accompany the bill H.R.4733 of the 106th Congress, the conferees on the part of the Senate should not recede to provisions or language proposed by the House of Representatives that would limit the capacity of the Department of Energy to augment funds available for worker and community assistance grants under section 3161 of the National Defense Authorization for Fiscal Year 1993 or under the provisions of the USEC Privatization Act (subchapter A of chapter 1 of title III of Public Law 104-134; 42 U.S.C. 2297h et seq.).

AMENDMENT NO. 4035, AS MODIFIED

(Purpose: To set aside funds to carry out activities under the John Glenn Great Lakes Basin Program)

On page 47, strike line 18 and insert the following: “\$139,219,000, to remain available until expended, of which \$100,000 shall be made available to carry out activities under the John Glenn Great Lakes Basin Program established under section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d-21).”

AMENDMENT NO. 4036, AS MODIFIED

(Purpose: To appropriate \$10,400,000 in Title I, Corps of Engineers—Operation and Maintenance for Pascagoula Harbor, Mississippi, to continue critical improvement projects)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in Title I, Operations and Maintenance, General, \$10,400,000 is available for the operation and maintenance of the Pascagoula Harbor, Mississippi.

AMENDMENT NO. 4037, AS MODIFIED

(Purpose: To appropriate \$200,000 in Title I, Corps of Engineers, Construction, General for Gulfport Harbor, Mississippi channel width dredging)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in Title I, Construction General, \$200,000 is available for the Gulfport Harbor, Mississippi project for the Corps of Engineers to prepare a project study plan and to initiate a general reevaluation report for the remaining authorized channel width dredging.

AMENDMENT NO. 4043, AS MODIFIED

(Purpose: To set aside funds for implementation of certain environmental restoration requirements)

On page 53, line 14, before the period, insert the following: “: Provided further, That

\$1,700,000 shall be used to implement environmental restoration requirements as specified under the certification issued by the State of Florida under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341), dated October 1999 (permit number 0129424-001-DF), including \$1,200,000 for increased environmental dredging and \$500,000 for related environmental studies required by the water quality certification.

AMENDMENT NO. 4051, AS MODIFIED

(Purpose: To set aside funds to develop the Detroit River Masterplan)

On page 47, strike line 18 and insert the following: \$139,219,000, to remain available until expended, of which \$100,000 may be made available to develop the Detroit River Masterplan under section 568 of the Water Resources Development Act of 1999 (113 Stat. 368).

AMENDMENT NO. 4055, AS MODIFIED

(Purpose: To include additional studies and analyses in the Reconnaissance Report for the Kihei Area Erosion, HI study)

Insert the following after line 13, page 58.

SEC. . Studies for Kihei Area Erosion, HI, shall include an analysis of the extent and causes of the shoreline erosion. Further, studies shall include an analysis of the total recreation and any other economic benefits accruing to the public to be derived from restoration of the shoreline. The results of this analysis shall be displayed in study documents along with the traditional benefit-cost analysis.

AMENDMENT NO. 4056, AS MODIFIED

(Purpose: To include additional studies and analyses in the Reconnaissance Report for the Waikiki Area Erosion Control, HI study)

Insert the following after line 13, page 58.

SEC. . Studies for Waikiki Erosion Control, HI, shall include an analysis of the environmental resources that have been, or may be, threatened by erosion of the shoreline. Further, studies shall include an analysis of the total recreation and any other economic benefits accruing to the public to be derived from restoration of the shoreline. The results of this analysis shall be displayed in study documents along with the traditional benefit-cost analysis.

AMENDMENT NO. 4058, AS MODIFIED

(Purpose: Newlands Water Rights Fund)

On page 66, between lines 11 and 12, insert:

SEC. . Beginning in fiscal year 2000 and thereafter, any amounts provided for the Newlands Water Rights Fund for purchasing and retiring water rights in the Newlands Reclamation Project shall be non-reimbursable.

AMENDMENT NO. 4061, AS MODIFIED

(Purpose: To provide \$5,000,000 for small wind projects, including not less than \$2 million for the small wind turbine development project)

On page 67, line 4, after the word “Fund:” insert the following “Provided, That of the amount available for wind energy systems, not less than \$5,000,000 shall be made available for small wind, including not less than \$2,000,000 for the small wind turbine development project:”

AMENDMENT NO. 4064, AS MODIFIED

(Purpose: To provide \$2,000,000 for a linear accelerator at the University Medical Center of Southern Nevada)

On line 15, page 68, after the word "expended:" Insert the following: "Provided, That \$3,000,000 shall be made available for high temperature super conductor research at Boston College:"

AMENDMENT NO. 4079, AS MODIFIED

(Purpose: To make a technical correction in language relating to the Waste Isolation Pilot Plant)

On page 73, line 22, strike everything beginning with the word "Provided" through page 74, line 3.

AMENDMENT NO. 4080, AS MODIFIED

(Purpose: To make funds available for a study by the Secretary of the Army to determine the feasibility of providing additional crossing capacity across the Chesapeake and Delaware Canal)

On page 53, line 8, before the colon, insert the following: "and of which \$50,000 shall be used to carry out the feasibility study described in section 1 ____"

On page 58, between lines 13 and 14, insert the following:

SEC. 1 ____ . DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.

(a) IN GENERAL.—The Secretary of the Army, in cooperation with the Department of Transportation of the State of Delaware, shall conduct a study to determine the need for providing additional crossing capacity across the Chesapeake and Delaware Canal.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall—

(1) analyze the need for providing additional crossing capacity;

(2) analyze the timing, and establish a timeframe, for satisfying any need for additional crossing capacity determined under paragraph (1);

(3) analyze the feasibility, taking into account the rate of development around the canal, of developing 1 or more crossing corridors to satisfy, within the timeframe established under paragraph (2), the need for additional crossing capacity with minimal environmental impact;

AMENDMENT NO. 4082, AS MODIFIED

(Purpose: To express the sense of the Senate concerning the dredging of the main channel of the Delaware River)

On page 58, between lines 13 and 14, insert the following:

SEC. 1 ____ . SENSE OF THE SENATE CONCERNING THE DREDGING OF THE MAIN CHANNEL OF THE DELAWARE RIVER.

It is the sense of the Senate that—

(1) the Corps of Engineers should continue to negotiate in good faith with the State of Delaware to address outstanding environmental permitting concerns relating to the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802) and modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300); and

(2) the Corps of Engineers and the State of Delaware should resolve their differences through the normal State water quality permitting process.

AMENDMENT NO. 4092, AS MODIFIED

(Purpose: To set aside funds for activities related to the selection of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island)

On page 47, line 18, before the period, insert the following: " , of which not less than \$1,000,000 shall be available for the conduct of activities related to the selection, by the Secretary of the Army in cooperation with the Environmental Protection Agency, of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island"

AMENDMENT NO. 4096, AS MODIFIED

On page 52, line 10, strike "\$324,450,000" and insert "\$334,450,000"

On page 52, line 15, before the period insert " : Provided further, That of the amounts made available under this heading for construction, there shall be provided \$375,000 for Tributaries in the Yazoo Basin of Mississippi, and \$45,000,000 for the Mississippi River levees: Provided further, That of the amounts made available under this heading for operation and maintenance, there shall be provided \$6,747,000 for Arkabutla Lake, \$4,376,000 for Enid Lake, \$5,280,000 for Grenada Lake, and \$7,680,000 for Sardis Lake"

AMENDMENT NO. 4112, AS MODIFIED

(Purpose: To set aside funds for a feasibility study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River, South Dakota)

On page 47, line 18, before the period, insert the following: " , of which \$100,000 shall be made available to carry out a reconnaissance study provided for by section 447 of the Water Resources Development Act of 1999 (113 Stat. 329)"

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc, as modified.

The amendments (Nos. 4034, 4035, 4036, 4037, 4043, 4051, 4055, 4056, 4058, 4061, 4064, 4079, 4080, 4082, 4092, 4096, and 4112), as modified, were agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I have additional cosponsors who were not included in the first en bloc acceptance. They are: Senator KYL on 4076, Senator KYL on 4078, Senator BINGAMAN on 4070, Senator REID on 4085, Senator DOMENICI on 4024, and Senator BINGAMAN on 4071. I ask unanimous consent that these Senators be shown as cosponsors appropriately on those amendments to which I have referred.

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

Mr. REID. I had an opportunity to speak to my friend from New Mexico that Senator TORRICELLI has called and ask for 5 minutes to speak before the vote at 8 o'clock. I ask that in the form of a unanimous consent request.

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

Mr. DOMENICI. We accommodate that.

Mr. President, we have additional amendments we are working on with various staff on both sides of the aisle that are not ready, that are still being worked on. We will continue with the hope we will have them finished before the time comes for final passage of this bill.

I yield the floor.

AMENDMENT NO. 4105

(Purpose: To prohibit the use of funds to make final revisions to the Missouri River Master Manual)

Mr. REID. Mr. President, I call up amendment No. 4105 that I offered last evening, that Senator DURBIN is now going to debate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for Mr. DURBIN, proposes an amendment numbered 4105.

Mr. DURBIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 58, strike lines 6 through 13 and insert the following:

SEC. 103. MISSOURI RIVER MASTER MANUAL.

None of the funds made available by this Act may be used to make final revisions to the Missouri River Master Water Control Manual.

Mr. DURBIN. If I understand correctly, we have 20 minutes equally divided on this amendment. I will try to be brief.

I had a conversation with Senator BOND. We are perilously close to being in an agreement. I don't know if we will reach that point; perhaps we will. Let me suggest to him and to those who are following the course of this debate, I think the debate last night between Senator DASCHLE and Senator BOND was a good one because it laid out, I think, very clearly, both sides of this issue.

I come to this debate trying to find some common ground, if there is, and I don't know how much common ground one can find on a river. In this situation, we are dealing with the question of the future of the Missouri River. It is not a parochial interest; it is an interest which affects the Mississippi River and many who have States bordering the Mississippi River, and agricultural and commercial interests that are involved in the future of that river.

I listened to the debate yesterday and tried to follow it. I came to the conclusion that the Senator from Missouri was arguing that he, with his section 103, did not want to see the so-called spring rise occur next year, in the year 2001, and that was the purpose of his amendment.

It is my understanding that if we did nothing, the spring rise would not

occur anyway because there is no intention to change the manual for the river that would result in that as of next year.

The purpose of my amendment is to say that there would be no final revisions to the manual that would take place in the upcoming fiscal year, October 1, 2000, to October 1, 2001, but we would allow all of the agencies that are currently studying the future of the river and amending the 1960 manual the opportunity to consider all of the options, to have public comment, to invite in the experts.

I went through the debate, read through the CONGRESSIONAL RECORD. My colleague from Missouri, yesterday, I think, said something along these lines because he said:

Contrary to what you just heard, [referring to Senator DASCHLE's debate] any other aspect of the process to review and amend the operation of the Missouri River, to change the Missouri River manual, to consider opinions, to discuss, to debate, to continue the vitally important research that is going on now in the river and how it can improve its habitat will continue.

The purpose of my amendment is to say let us protect that. Let us protect that study and that option. No final revision can be made to the manual that would effect the change that I think is a concern of the Senator from Missouri and others during the course of the next fiscal year. So we are preserving the right and opportunity to study the future of the river, but we are saying you cannot make a change in the manual that will change the policies on the river during that period of time.

I think that will give us an opportunity for better information and a full opportunity for public comment. We will learn more in the process from the experts and the experts include not only the environmentalists, who are very important to this discussion, but also many, many others, including those in the agricultural community and in the navigation community. All of them should have an opportunity to be part of this debate about what the manual change will be. That is what I am trying to preserve with this amendment, to try to find, if you will, a middle ground between 103 and where Senator DASCHLE was yesterday.

Let me also say that under my amendment the spring rise or low summer flows proposal would not be implemented next year. We have discussed this with the Fish and Wildlife, as well as the Corps of Engineers. It is our understanding that if you prohibit a final revision in the manual that you are not going to be able to change the manual as of next year, and there is no proposal on the table that would suggest anything is going to occur before the year 2003.

I will concede to my friend from Missouri the letter from the Fish and Wildlife Service, and one particular sentence or two in it, leaves some ques-

tion. But our followup contact with the Corps of Engineers suggests they are not going to authorize a spring flow next year.

I don't know if what I am suggesting by way of an amendment will win the support of the administration. I don't know the answer to that. What I am offering is a good faith attempt to continue the study, continue the survey, and not make any changes in the policy as of the next fiscal year; but to then be prepared to look at the results, consider the public comments, and try to come up with a policy that is sound.

The Senator from Missouri and the Senator from Illinois both represent agricultural interests. We are constantly being asked to try to balance this, the commercial needs and environmental needs. Certainly the same thing applies to this debate on the history. We are trying to balance the commercial needs for navigation and the needs for environment. I think we can do it.

I think if we are open and honest and have the public comment, which the Senator from Missouri has invited, that it will occur. I will listen carefully. As the Senator from Missouri said last night during the course of the debate: Let the debates go on. We would like to see sound science. We would like to see the best information available. Fish and Wildlife has not shown it to us. I concede during the next year allowing that information to come forward.

Given the U.S. Fish and Wildlife Service currently supports the spring rise and low summer flows profile, taking it off the table for discussion is a recipe for stalemate. Let us at least have the discussion about the spring flow. I think section 103 precludes even that discussion. Let us not change the policy as to the spring flow in the next year, but let us debate it. Let's try to find what the best outcome would be for the future of the river and those who depend on it.

Proposed revisions to the manual would continue to be developed under my amendment. Studies would continue. Talks about alternatives to river management among all the river's stakeholders could continue.

In addition, we want to get the best science we can from the National Academy of Sciences, which is in the process of completing an important study on the future of the Missouri. We should not make any decisions about the future of the river until that study is released, and I think my amendment protects that possibility and gives you the opportunity during this next year to listen to the National Academy of Sciences and to try to resolve that as well as to invite public input.

The Corps is working on a lot of alternatives to managing the Missouri River. I think it is fair for us to keep these proposals, developed by farm and

navigation interests and proposals developed by recreation and environmental interests, all on the table and all open to debate.

This is important to my colleague from Missouri. It is really important in Illinois as well. The Missouri River feeds into the Mississippi, and we have some 550 miles of Illinois border on that river. A lot of people depend on it. I want to make certain we do the right thing for our farmers but also for this important piece of America's natural heritage, the Missouri River and Mississippi River.

I am not here to argue about the management of the Missouri River. I am not competent to do it. But I think we have to bring the information together and make the most sound judgment we can about the future of the river, and it is that particular approach I have offered in this amendment. I hope the Senator from Missouri will consider it as a friendly amendment, a positive and constructive alternative in the debate between him and the Senator from South Dakota. I yield the remainder of my time.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. BOND. Mr. President, I appreciate the fact the distinguished Senator from Illinois has said he did not want to see a spring rise in 2001. That basically was what my amendment did.

When I looked at his amendment, I was very much concerned that it only deals with a final revision of the master manual. What we have requested—and as he has already pointed out, it has been proposed by the Fish and Wildlife Service in a letter that I believe has already been submitted for the RECORD. If not, I will submit it again for the RECORD.

I ask unanimous consent it be printed.

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

DEPARTMENT OF THE INTERIOR,

FISH AND WILDLIFE SERVICE,

Denver, Co, July 12, 2000.

Brig. Gen. CARL A. STROCK,
Commander, Northwest Division, U.S. Army
Corps of Engineers, Portland, OR.

DEAR GENERAL STROCK: This letter is a result of our July 10, 2000, meeting in Washington, D.C. regarding the Missouri River Biological Opinion attended by Assistant Secretary Westphal and Director Clark. The following is a summary of the discussions related to the framework of conservation measures needed to avoid jeopardizing the continued existence of listed species on the Missouri River.

The Service will recommend in our draft biological opinion a spring pulse starting point of 49.5 kcfs (+17.5 above full navigation service) during the first available water year and an annual summer low of 21 kcfs from Gavin's Point Dam. As an interim step, a spring pulse of 49.5 kcfs from Gavins Point during the first available water year and a summer low of 25 kcfs would be in effect each year, starting in 2001, until the new Master

Manual is in place or other appropriate NEPA documentation. We would view this as an adaptive management step that, in conjunction with robust monitoring of the biological response, could help us refine a final set of recommendations for implementation. A robust monitoring program will be necessary to identify the desired beneficial biological responses to listed species from these interim measures and to provide a basis for any adjustments that may be necessary. Corps representatives stated during the July 10th meeting that the Corps has significant discretion regarding navigation and that there is flexibility in the 8 month navigation season. They also stated that the length of the navigation season and the flows provided during the navigation season was an "expectation" rather than a guarantee.

The Corps will provide a spring pulse from Fort Peck Dam as discussed in our recent Portland meetings approximately one year out of three beginning in 2002. As a test of the spillway infrastructure, the Corps will perform a "mini-test" in 2001. The parameters of the test will be described by the Corps in your response to this letter and will incorporate the direction agreed to from recent discussions held in Portland.

The Service will identify acres of habitat (sandbar and shallow/slow water) necessary to avoid jeopardy in the biological opinion. We believe the Corps can use existing programs and the likely expanded mitigation program to result in the creation of at least one-third of these acres necessary in the lower river system. The rest will need to be restored through additional physical modification of existing river training structures and through hydrological modification. The Service believes that a majority of the habitat can be created through hydrological modification.

The monitoring needs relative to piping plovers and least terns are currently being adequately addressed by the existing Corps program. The short-term monitoring needs relative to the Fort Peck test for pallid sturgeon have been outlined in a letter sent to the Corps on April 7, 2000. The Corps is currently assisting the Service relative to these short-term needs below Fort Peck. There is a need for a comprehensive short-term monitoring of the response of pallids to the interim flows recommended from Gavins Point. The long-term needs for pallid sturgeon monitoring throughout the system will be addressed in the draft biological opinion.

The Service has outlined the short-term propagation needs (which could efficiently be fulfilled at Garrison Dam and Gavins Point National Fish Hatcheries) necessary to reach stocking objectives in a letter dated April 25, 2000. While the Corps has indicated that they may not have authority to assist in meeting these needs at Service facilities, the Service believes that the Endangered Species Act would provide the basis for such authority. The Service has also sent a letter dated June 27, 2000, to the Corps outlining our concern that a new facility at Fort Peck Dam would not meet these short term needs.

There is agreement in principle regarding using the adaptive management approach in implementing the actions and goals identified in the opinion. There is also agreement regarding the unbalanced intra-system regulation issues. The final discussion of these two topics will be outlined in the draft biological opinion which is expected to be delivered to the Corps on or about July 31, 2000.

The Service needs to know by July 19, 2000, if you accept the six elements discussed in this letter as being reasonable and prudent.

We also need to know if you want to revise the project description to incorporate these elements or if you prefer to have them presented in the form of a RPA in a draft biological opinion.

Sincerely,

Regional Director.

Mr. BOND. Their July 10 letter said to the Corps—I used the term "diktat" as an authoritarian governmental directive. They tell the Corps of Engineers in the letter of July 12:

As an interim step, a spring pulse of 49.5 kcfs from Gavins Point during the first available water year and a summer low of 25 kcfs would be in effect each year, starting in 2001, until the new Master Manual is in place or other appropriate NEPA documentation.

Basically what Fish and Wildlife is saying is: Forget about the process. You, Corps of Engineers, start a spring rise in 2001.

That is what we are here about. We pointed out all the problems that the spring rise would provide, the fact that there are very good, scientific judgments coming out of the Missouri Department of Conservation, the Missouri Department of Natural Resources, and others, saying that a spring rise would have a harmful effect, not only on people along the river, on river transportation, but on endangered species. We have asked the Missouri Department of Natural Resources of the State of Missouri how they view the proposal by the Senator from Illinois. The director of the Department of Natural Resources has just faxed me a letter saying, in pertinent part:

Our conclusion is that the proposed Durbin amendment is not protective of Missouri's interests. Nor is it protective of Mississippi River states' interests. The amendment would allow the spring rise and "split season" proposal to proceed to the penultimate point of implementation—too late to be stopped or even amended.

Basically, the view of the attorney general's office and the State department of natural resources in Missouri is that striking section 103 would open up to the dangers that I laid out last night and this morning of the spring rise and the low summer flow.

If the Senator from Illinois agrees that we don't want to have that spring rise and the low summer flows next year, I suggest that we could reach a simple accommodation. Keep section 103. If he wishes to say that studies should go forward on the Missouri River, which is what I firmly believe section 103 does anyhow, we would have no objection to that. But we need to keep that underlying protection that says that you shall not, during 2001, implement the spring rise. That is the purpose of the amendment. That amendment has been in the energy and water bills 4 of the last 5 years, signed by the President.

There is no intent for us to stop the discussions. However, the National Academy of Sciences has a very narrow

study on the spring rise itself. The studies that are going forward are studies which should include the proposal of the Missouri Department of Conservation which is a 41,000-cubic-foot-per-second flow of the Missouri River which they think will protect the pallid sturgeon and other endangered species and not subject the people of downstream States—Kansas, Missouri, States along the Mississippi, Illinois, down through Louisiana—from spring flooding and will not end the river transportation on the Mississippi and the Missouri.

If the only question the Senator from Illinois has is whether or not we cut off studies, I will be happy if he asks unanimous consent to change his amendment so it does not repeal section 103 and states that studies of the Missouri River master manual, all of the studies, shall continue but there will be no spring rise in 2001 as provided in section 103; then I think we can reach agreement.

The question has been raised as to whether, even with that modification, that will be acceptable to Members of this body. There are some who appeared to say that would not be acceptable to them.

The question has been raised whether the President might veto the entire appropriations bill over section 103 after having signed it for 4 years in a row. We have already shown there is strong bipartisan support in States affected by the Missouri River manual, that a spring rise would be very hazardous to the human life along the river, as well as to farmers who farm in the productive bottom lands, as well as to the water supply, as well as to river transportation.

I do not think the President will ignore the strong voices of the flood control associations, the bipartisan, strong opposition of the Democratic government of Missouri, the Democratic Governor and mayors of Kansas City and St. Louis who would be subjected to the dangers of flooding from a spring rise.

The President will have to look at the concerns of the people downstream. I think he will realize the scheme is too risky as a result of the action we took today. If the President realizes we are not going to accept the risky scheme of a controlled flood, then maybe we can avoid the need for a vote.

If the distinguished Senator from Illinois wants to leave section 103 and work with us to craft an amendment which says that investigations can continue, which is what I believe section 103 will do, if we can muster even greater support, then we will have much less a danger of having this bill vetoed.

With that in mind, I am happy to work with the Senator from Illinois because his State is at risk of flooding. A

spring rise on the Missouri can threaten flooding in Illinois. A low flow on the Missouri River in the summer and in the fall in navigation season not only threatens and ends barge transportation on the Missouri River, but it puts at risk the river transportation on the Mississippi which carries a very significant bulk of the grain going to the export market.

If that is what we are talking about, if we can assure that studies will continue—and I am concerned about the language of his amendment saying we cannot have a final master manual development—that master manual could be implemented so long as it does not include the spring rise—if he is willing to do that, then I say we are on the same page. But I cannot accept and certainly our State governments, the agencies directly involved in the Missouri, cannot accept striking 103.

We went through that battle. We spoke, I thought, with a majority vote, saying there shall be no implementation of a spring rise during the year covered by the bill, which is 2001. If we keep that in place, then I will be happy to work with the distinguished Senator from Illinois to fashion a new section 104 which at least makes clear the agreement we may have reached.

However, if the Senator still feels the need to strike 103, I have to say that is what we voted on; we have been through this. That is the risky scheme of a controlled flood that we cannot accept, and I do not believe, nor do people in the State of Missouri believe, that his amendment standing alone, unmodified, will do that.

I hope, having voted on this and having had the opportunity to tell our colleagues a whole lot more about the Missouri River manual than they ever wanted to know, we might be able to avoid having them vote again. If they vote again, I say to those who supported us, I wish them to continue to support section 103.

If the Senator from Illinois will accept keeping section 103 and work with us to craft a section 104 that further clarifies it, I will be happy to do so. Otherwise, I will just ask all the people who voted with us this morning to vote with us again in opposition to the Durbin amendment.

The PRESIDING OFFICER. All time on the amendment has expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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 understand where we are, and we will be ready with the remaining amendments

very soon. Since there is time remaining, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, we are about to adopt a bill tonight commonly known as the energy and water appropriations bill, but everybody should know that, at a minimum, it is an interesting set of words—"energy and water." On the other hand, it is even more than an interesting set of words. There is a great irony with reference to this bill.

First of all, believe it or not, by precedent, this bill contains all of the nuclear weapons research and development, preservation, and manufacturing, and along with it are all the water projects—the Corps of Engineers, the Bureau of Reclamation, and all the waterways—and a whole group of non-defense-related science research projects.

What has happened over the years, it seems to this Senator, is that piling these kinds of programs together and then limiting the amount of money has, over time, yielded more attention to the water projects because there are hundreds of House Members concerned, and rightly so, and scores of Senators concerned, and here is our great nuclear weapons program. We have stood before the world and thanked our great scientists because they do not belong to the military. These are free-minded Americans, some who have worked for 40 years and are still at Los Alamos as the nucleus of scientists who understand the nuclear weapons.

What I tried to do in the last few years is build a wall in the bill between the defense money and the nondefense money so we can move ahead with some of the things that are so desperately needed for the nuclear activities of this country, especially since we continue to say we have to compete in that area in the world until we have no more nuclear weapons, which we hope will occur sometime.

In spite of this wall, and trying to hold the defense money harmless from domestic spending, what has happened this year in the House allocations just beats anything you could imagine. For the House decided to underfund both, believe it or not. They decided to underfund the President's defense requirements and underfund his non-nuclear, nondefense projects. We cannot expect to get a bill based on those numbers.

I submit the Senate would have a lot of difficulty accepting that bill that would come from those kinds of numbers. Thanks to Senator STEVENS and Senator BYRD, they have allocated \$600 million more on the defense nuclear side than the House. And we are still short somewhere between \$300 and \$400 million for the water projects. So many of you Senators know that your water projects could not be accepted.

We understand there are some new projects that have been new for 5 years, maybe some for 7. It is awful to still call them new, but they have not been started, so we call them new, and we cannot fund them. We are going to try to get some additional resources because every subcommittee is being helped along. If we can, we can do better when we come back.

But I want to just share a couple things that I think everybody should know.

There are two huge problems that exist with reference to our nuclear weapons activities and personnel and physical plant—where they live and work and do the kinds of things that keep us up there, where we can certify to the President of the United States, from these three nuclear labs, that our weapons are safe and will do what they are supposed to do. These lab directors—civilians—certify that based on what they have in their laboratories.

To give you an example of how bad off we are on physical plant, I just want to cite to you a situation that you would find unbelievable at Y-12 over at Oak Ridge National Laboratory.

I say to the Presiding Officer, part of that is nondefense, as you well know. But part of it is defense and related to nuclear weapons. If you went there tomorrow and said: The subcommittee that funds this asked me to come and take a look at one of the big buildings in Y-12 that has some roofing problems, the first thing they would do to you, Mr. President—especially considering the condition of your scalp, where you have no protection from hair—they would put a helmet on you as soon as you walked in this building. Did you know that? A helmet. And you would say: What's that for? And they would say: Well, distinguished Senator, it is because if you walk around this building, the roof falls in on you in pieces. So we don't want to hurt you. Even though you're not doing anything that is harmful down here in your job, the roof falls in on you in pieces.

This is a building, owned by the Department of Energy, which does nuclear deterrent work for the U.S. Government. It is a shame. We are repairing it. We are putting the money in this year. But just as we do that, there are 40- and 50- and 60-year-old buildings that are part of the complex that we still have alive in some of our laboratories, from the very first Manhattan Project, whenever that was. We have not rebuilt them.

So scientists are finding it difficult, in today's America, to continue working at some of our labs. We need a major new program if we are going to maintain this situation of safe and reliable nuclear weapons, with whatever number of warheads. We need a program to start replacing these buildings. Either we are serious about this—

we want the very best for our best scientists—or we do not.

The second thing is there is a huge morale problem among the very best scientists, who have been with us a long time and know everything one could know about our nuclear weapons. There is a serious problem that is objectively recorded that says the young brilliant scientists coming out of our schools with Ph.D.s and post-docs are coming to the laboratories in smaller and smaller numbers per year when we go out to try to encourage them to come. In fact, it is tremendously off this year.

The morale problem is so bad that the superscientists are beginning to quit. They are being offered an enhanced retirement program by the University of California. The professors and the university want this program because the University has too many senior professors. They need to tenure more new professors. But when this University program comes along it applies to the great scientists, too, at our laboratories.

There is a morale problem built around the FBI and Justice Department from this last episode at Los Alamos, making a whole group of scientists in one of the most secret, most sophisticated, most important operations in nuclear weaponry in America feel as though they are criminals. They just do not appreciate this. They do not like that. Some of them have been there 35 years. They just do not like the FBI treating them all like criminals or even suggesting that, as patriotic scientists, they ought to take their lie detectors and be treated as if there is some criminal in their midst. Frankly, some have decided they are just not going to do that.

I do not know where that ends up, but I submit it ought to end up soon for those who are threatened by prosecution from that last episode of a hard drive being found behind some kind of a multipurpose machine. If there is no evidence of spying and no evidence of distributing information, they ought to get on with this. They ought to get on with it. They ought to even talk to some of these scientists, who have been working for us 30, 40 years, about their attorney's fees, because every one of them has been looked at, and told: You might be the one we're looking for. It couldn't be all of them.

When you put that kind of thing out, it labels everybody in a national laboratory. It includes our most patriotic nuclear physicist, who is one of the greatest design people in all of nuclear history. You are telling him: We are not quite sure about all this, but you may be the one, you could go to jail for 24 months—or whatever number is used. There is no spying. So why don't we get on with it? I have not said this publicly, but I thought I would use this opportunity tonight.

It is serious business. Did you know that we keep saying the only thing the Soviet Union is doing well, in spite of their economic depression and all the rest, is to maintain a pretty adequate and sophisticated nuclear delivery system? I could spend the evening telling you about the difference between the two.

They can maintain their weapons much easier than we can keep ours, because they make nuclear weapons differently. We make them sophisticated, complicated, and that is part of their greatness. They make them simple, robust, and re-make them very often, like every 10 years. They are not as worried about us. We keep them for many years, and then we try to prove they will last longer with this new program we are funding called the Stockpile Stewardship Program.

That is my little summary. There is much more to talk about. I thought it would be good tonight to put in perspective the significance of this bill. It is not just for the harbors of America. It is for those laboratories and plants that harbor the scientists, the manpower, and the equipment to keep our nuclear weapons on the right path. That is pretty important stuff, it seems to me.

My job is to make sure everybody at least understands part of it, so they will help us get out of the dilemma we are in and have a much more robust, much more positive atmosphere around these laboratories soon.

In conclusion, there is a new man in charge. We ought to be hopeful. General Gordon has been put in charge of this under the new law which you helped us with, I say to the Presiding Officer—and many did—which put one person in charge of the nuclear weapons aspects at the DOE. We are so fortunate we got a four-star general, CIA oriented, Sandia Lab-trained individual who in retirement took this job. If it is going to be fixed, he will fix it.

With that, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 4105, WITHDRAWN

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for up to 2 minutes and at the end of that time to withdraw my amendment, if there is no objection.

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

The Senator is recognized.

Mr. DURBIN. Mr. President, I would like to thank the Senator from Missouri, Mr. BOND, as well as Senator REID and representatives from Senator DASCHLE's staff.

We just had a floor conversation about section 103, which has been the subject of great debate over the last several days. We are, as I said, close to at least common ground on the floor, but I do not believe we are at a point

where we can put language in the bill to solve the problem between the administration and the committee. It is my heartfelt intention to work with Senator BOND, Senator DOMENICI, and Senator REID to try to do that.

This is an important bill. We don't want to go through and veto, have a return of the bill, if we can work it out. I hope we can. But I don't believe my amendment, in and of itself, is going to solve that problem this evening. Instead, I would like to, at the end of my remarks, ask unanimous consent to withdraw the amendment, and pledge between now and the conference and thereafter to work with all of the principals involved to see if we can work out the important question about the future of the Missouri River and the debate that took place both yesterday and today.

Mr. President, I ask unanimous consent to withdraw amendment No. 4105.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from Illinois and my friend from Missouri, I appreciate very much, as I am sure Senator DOMENICI does, resolving this temporarily at this time. Hopefully, the temporary delay will allow us, by the time we get to conference, to have a solution to the problem which will allow all parties to be satisfied. I appreciate very much Senator BOND, who is a veteran in State and national politics, understanding the quandary we are in tonight. I say the same to the Senator from Illinois, who is the epitome of a good legislator.

Senator DOMENICI and I will do everything we can, before conference and in conference, to try to resolve this matter finally. We recognize there is a veto threat on this bill, so it is in our interest to try to work something out also.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might say to both Senators, I very much appreciate their efforts. I think while they were talking, I was expressing to anyone who wanted to listen my heartfelt concerns about this bill in terms of the future of our nuclear weapons.

It would not be good if we wasted a year operating under last year's levels or operating under some kind of a veto. I join in not knowing what the veto threat really means. Nonetheless, it would be marvelous if we could work it out to their satisfaction so in some way the issue were resolved.

There is going to be a year hiatus, one way or another, when nothing is going to happen. I don't think the President is going to be able to deny us that. But I think if we worked it out where everybody understood and maybe we could convince him that that is a good idea—that means his council on environmental quality and others—it would be a very good thing for the United States. I hope it works out.

I compliment Senator BOND this evening and earlier on this bill. I think he made a very strong case. It is pretty obvious this is a difficult issue. As he knows, I have been on his side. I have similar problems with endangered species and other things out in the West. We don't have enough water. All our rivers combined don't equal the Missouri River. I think that is a pretty fair statement—maybe even half the flow for all of ours that we have. We don't quite understand how the Missouri River is a problem. We see it as something fantastic. One time we tried to get a little bit of it, take it west, and Scoop Jackson stood in the way, I guess, from the State of Washington.

Anyway, I thank the Senator for what he has done. There is not going to be a vote tonight on that issue.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the cooperation of the Senator from Illinois, with whom I think we have reached an agreement that there should not be a spring rise in 2001.

I believe there are some areas that go beyond the existing section 103 on which we might be able to satisfy some of the legitimate concerns raised by the minority leader. He was concerned about the possibility of cutting off debate, cutting off all consideration of other issues relating to the Missouri River manual. That was not our intent. If we can add language that will clarify that, maybe it will at least satisfy some of these problems.

Also, we have a Governor and we have other congressional Members from States affected who might want to communicate with the White House about the workability of this.

To the Senator from New Mexico and the Senator from Nevada, I appreciate the difficulties they faced. They have both been most accommodating on these issues. We don't want to make life more difficult for them. The Senator from New Mexico may not have river problems, but he has had controlled burn problems. We want to make sure we don't have a controlled flood problem.

I am delighted we don't have to ask our colleagues to vote again on this issue tonight. I think there may be further clarification that might satisfy some of the concerns that were raised, certainly by the minority leader. I will be happy to work with them.

On behalf of the State of Missouri and the people of the State of Missouri, I express my appreciation to this body for making it clear that there will not be a controlled flood on the Missouri River or abnormally low flows during the summer of 2001, the year to which this appropriations bill applies.

As always, we are more than happy to work with the committee leaders in trying to resolve these problems in the future. I thank my colleagues for their

understanding of the importance of this issue to the people I represent.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I believe I have a unanimous consent request pending to withdraw amendment No. 4105.

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

The Senator from New Jersey is recognized.

AMENDMENT NO. 4109, AS MODIFIED

Mr. TORRICELLI. Mr. President, I have an amendment, No. 4109, filed with the clerk. It is my understanding that will be in the manager's package. I do not, therefore, call it to the floor of the Senate at this time.

I do wish for a moment to discuss with my colleagues the merits of this legislation and to thank the Senator from New Mexico and the Senator from Nevada for their cooperation and their assistance.

Within this legislation is \$27 million to deepen and widen the main channel of the Delaware River. To the city of Philadelphia, the city of Camden, and the States of New Jersey, Delaware, and Pennsylvania, this is of some considerable importance. The Delaware River is a major artery of maritime commerce. I have always supported, and I will always support that river being efficient and available to maritime traffic, but there are serious problems.

When this legislation was considered in the House, my colleague, Representative ANDREWS from southern New Jersey, with the support of Congressman KASICH, offered an amendment to strike this funding. I will not do that tonight because I believe, first, the votes are not available and, second, I still hope the general problems with this dredging can be solved.

The problems are relatively simple. The U.S. Army Corps of Engineers has proposed to dredge 33 million yards of material from the Delaware River. Three States will benefit by this dredging. Primarily the benefits will go to Philadelphia and the State of Pennsylvania, simply based on the size of the economic activity in the region by these States comparatively. Ten million of these 33 million yards will be used to replenish beaches in the State of Delaware. Twenty-three million yards will be placed on prime waterfront property in the State of New Jersey. Ten million goes to Delaware; 23 million occupies prime real estate in the State of New Jersey. And although the principal economic benefits of the dredging are for the city of Philadelphia, none—I repeat, not an ounce—of the material goes to the State of Pennsylvania.

Now I recognize we all have to share the burden, and we may not share the burden equally; it may not be shared proportionally to the economic benefit.

But certainly accepting nothing, while the State of New Jersey takes the overwhelming majority of the material, cannot be right and it cannot be fair. Let me make clear that Senator SPECTER and Senator SANTORUM have been remarkably helpful in this matter. They have understood the inequity. They want the three States to work cooperatively. I am very grateful to both of them that, while protecting the interests of their State first and foremost, they have been good neighbors and have been cooperative.

I believe there are solutions to this problem: Primarily, ironically, that while this material is being dumped on the shorelines of New Jersey to our disadvantage, there is an enormous desire by construction companies and others in land development to have this material available.

It is a strange and ironic, even tragic, situation. I hope by this experience, which is also happening in the Port of New York, the Army Corps of Engineers will begin to understand and learn from the situation. Contracting companies, land development companies, major corporations, and communities want this material. Market it, sell it, use it, but no longer use it as if it is a waste material to be dumped on valuable real estate, on the unwanted.

Because of that, in my amendment, we reserve \$200,000 for the Army Corps of Engineers to begin actively marketing this material for private and public projects—from road projects in south Jersey, to the future expansion of the Philadelphia Airport, to new construction in Atlantic City, there are willing users, even buyers. This \$200,000 can go a long way to solving this problem. Particularly, I thank Senators SPECTER and SANTORUM for their help and cooperation. Of course, to Senator BIDEN, the Senator from New Mexico, and the Senator from Nevada, I am grateful that this is being put in the managers' amendment. I thank them for this time.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Mr. President, I will withhold that. We are within a few minutes of having the last amendments ready that we have been working on collectively and collaboratively. Then we will be ready for final passage very soon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 4017, 4044, 4059, 4089, 4099, 4110,
AND 4111, EN BLOC

Mr. DOMENICI. Mr. President, I want to add to the list of managers' agreed-to amendments, all of which are filed and at the desk, starting with Nos. 4017, 4044, 4059, 4089, 4099, 4110, and 4111.

I ask unanimous consent that they be considered en bloc and agreed to en bloc.

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

The amendments (Nos. 4017, 4044, 4059, 4089, 4099, 4110, and 4111) were agreed to en bloc, as follows:

AMENDMENT NO. 4017

(Purpose: To authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes)

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . USE OF COLORADO-BIG THOMPSON PROJECT FACILITIES FOR NON-PROJECT WATER.

The Secretary of the Interior may enter into contracts with the city of Loveland, Colorado, or its Water and Power Department or any other agency, public utility, or enterprise of the city, providing for the use of facilities of the Colorado-Big Thompson Project, Colorado, under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water originating on the eastern slope of the Rocky Mountains for domestic, municipal, industrial, and other beneficial purposes; and

(2) the exchange of water originating on the eastern slope of the Rocky Mountains for the purposes specified in paragraph (1), using facilities associated with the Colorado-Big Thompson Project, Colorado.

AMENDMENT NO. 4044

SECTION 1. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking "2000" and inserting "2009".

AMENDMENT NO. 4059

(Purpose: To provide \$3,000,000 for technology development and demonstration program in Combined Cooling, Heating and Power Technology Development for Thermal Load Management, District Energy Systems, and Distributed Generation)

On line 4, page 67, after the word "Fund:" Insert the following:

"Provided, That \$3,000,000 shall be made available for technology development and demonstration program in Combined Cooling, Heating and Power Technology Development for Thermal Load Management, District Energy Systems, and Distributed Generation, based upon natural gas, hydrogen, and renewable energy technologies. Further, the program is to be carried out by the Oak Ridge National Laboratory through its Building Equipment Technology Program."

AMENDMENT NO. 4089

(Purpose: To set aside funding for participation by the Idaho National Engineering and Environmental Laboratory in the Greater Yellowstone Energy and Transportation Systems Study)

On page 68, line 15, strike "expended;" and insert "expended, of which \$500,000 shall be available for participation by the Idaho National Engineering and Environmental Laboratory in the Greater Yellowstone Energy and Transportation Systems Study:".

AMENDMENT NO. 4099

(Purpose: To extend the authority of the Nuclear Regulatory Commission to collect fees through 2005 and improve the administration of the Atomic Energy Act of 1954)

On page 97, between lines 14 and 15, insert the following:

TITLE —NUCLEAR REGULATORY COMMISSION

Subtitle A—Funding

SEC. 01. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking "September 30, 1999" and inserting "September 20, 2005"; and

(2) in subsection (c)—
(A) in paragraph (1), by inserting "or certificate holder" after "licensee"; and
(B) by striking paragraph (2) and inserting the following:

"(2) AGGREGATE AMOUNT OF CHARGES.—
(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—
(i) amounts collected under subsection (b) during the fiscal year; and
(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.
(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—
(i) 98 percent for fiscal year 2002;
(ii) 96 percent for fiscal year 2003;
(iii) 94 percent for fiscal year 2004;
(iv) 92 percent for fiscal year 2005; and
(v) 88 percent for fiscal year 2006."

"(i) amounts collected under subsection (b) during the fiscal year; and
(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

"(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

"(i) 98 percent for fiscal year 2002;
(ii) 96 percent for fiscal year 2003;
(iii) 94 percent for fiscal year 2004;
(iv) 92 percent for fiscal year 2005; and
(v) 88 percent for fiscal year 2006."

SEC. 02. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking "and (3)" and inserting "(3)"; and

(2) by inserting before the semicolon at the end the following: ", and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility".

SEC. 03. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking ", or which operates any facility regulated or certified under section 1701 or 1702,";

(2) by striking "483a" and inserting "9701"; and

(3) by inserting before the period at the end the following: ", and, commencing October 1, 2000, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law".

Subtitle B—Other Provisions

SEC. 11. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking ":", however, the Commission shall maintain an office for the service of process and papers within the District of Columbia".

SEC. 12. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking "c. Each such" and inserting the following:

"c. LICENSE PERIOD.—

"(1) IN GENERAL.—Each such"; and

(2) by adding at the end the following:

"(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met."

SEC. 13. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

"(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection."

SEC. 14. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting "(1)" after "(g)";

(2) by striking "this Act;" and inserting "this Act; or"; and

(3) by adding at the end the following:

"(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Nuclear Regulatory Commission."

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

"(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

"(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission."

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end the following:

"Sec. 170C. Criteria for acceptance of gifts."

SEC. 15. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 14(b)(1)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

“(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and sub-contractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;” and

(2) by adding at the end the following:

“SEC. 170D. CARRYING OF FIREARMS.

“(a) AUTHORITY TO MAKE ARREST.—

“(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

“(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

“(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

“(B) in the enforcement of—

“(i) a law regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or a licensee or certificate holder of the Commission;

“(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

“(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

“(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

“(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

“(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.”.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 14(b)(2)) is amended by adding at the end the following:

“Sec. 170D. Carrying of firearms.”.

SEC. 16. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting “or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act” before the period at the end.

SEC. 17. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking “storage facility” and inserting “storage, treatment, or disposal facility”;

(2) in paragraph (3)—

(A) by striking “such a utilization facility” and inserting “a utilization facility licensed under this Act”; and

(B) by striking “or” at the end;

(3) in paragraph (4)—

(A) by striking “facility licensed” and inserting “or nuclear fuel fabrication facility licensed or certified”; and

(B) by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following:

“(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility.”

AMENDMENT NO. 4110

(Purpose: To redesignate the Interstate Sanitation Commission as the Interstate Environmental Commission, and for other purposes)

At the appropriate place, insert the following:

SECTION 1. REDESIGNATION OF INTERSTATE SANITATION COMMISSION AND DISTRICT.

(a) INTERSTATE SANITATION COMMISSION.—

(1) IN GENERAL.—The district known as the “Interstate Sanitation Commission”, established by article III of the Tri-State Compact described in the Resolution entitled, “A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission”, approved August 27, 1935 (49 Stat. 933), is redesignated as the “Interstate Environmental Commission”.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation Commission shall be deemed to be a reference to the Interstate Environmental Commission.

(b) INTERSTATE SANITATION DISTRICT.—

(1) IN GENERAL.—The district known as the “Interstate Sanitation District”, established by article II of the Tri-State Compact described in the Resolution entitled, “A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission”, approved August 27, 1935 (49 Stat. 932), is redesignated as the “Interstate Environmental District”.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other

record of the United States to the Interstate Sanitation District shall be deemed to be a reference to the Interstate Environmental District.

AMENDMENT NO. 4111

On page 68, line 21 after the word “program” insert the following:

“; Provided Further, That \$12,500,000 of the funds appropriated herein shall be available for Molecular Nuclear Medicine.”

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4041, AS MODIFIED

Mr. DOMENICI. Mr. President, I am going to send about four amendments that have been modified and agreed to.

I send amendment No. 4041, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for Mr. GRAMS, proposes an amendment numbered 4041.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Secretary of Energy to submit to Congress a report on impacts of a state-imposed limit on the quantity of spent nuclear fuel that may be stored onsite)

On page 90, between lines 6 and 7, insert the following:

SEC. 3. REPORT ON IMPACTS OF A STATE-IMPOSED LIMIT ON THE QUANTITY OF SPENT NUCLEAR FUEL THAT MAY BE STORED ONSITE.

(a) SECRETARY OF ENERGY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report containing a description of all alternatives that are available to the Northern States Power Company and the Federal Government to allow the Company to continue to operate the Prairie Island Nuclear Generating Plant until the end of the term of the license issued to the Company by the Nuclear Regulatory Commission, in view of a law of the State of Minnesota that limits the quantity of spent nuclear fuel that may be stored at the Plant, assuming that existing Federal and State laws remain unchanged.

Mr. DOMENICI. Mr. President, I yield any time I might have.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4041), as modified, was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4060, 4087, 4091, 4108, 4109, AND 4113, EN BLOC, AS MODIFIED

Mr. DOMENICI. Mr. President, I send amendments that are at the desk that

have been modified: Amendment No. 4060, as modified; modification of amendment No. 4087; modification of amendment No. 4091, all of which are printed and at the desk; amendment No. 4108 as modified; amendment No. 4109, as modified; and amendment No. 4113, as modified.

I send them to the desk and ask unanimous consent that they be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The amendments (Nos. 4060, 4087, 4091, 4108, 4109, and 4113) were agreed to en bloc, as follows:

AMENDMENT NO. 4060, AS MODIFIED

(Purpose: To prohibit the use of funds to promote or advertise any public tour of a facility or project of the Department of Energy)

On page 90, between lines 6 and 7, insert the following:

SEC. 3. LIMITATION ON USE OF FUNDS TO PROMOTE OR ADVERTISE PUBLIC TOURS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available under this title shall be used to promote or advertise any public tour of Yucca Mountain facility of the Department of Energy.

(b) APPLICABILITY.—Subsection (a) does not apply to a public notice that is required by statute or regulation.

AMENDMENT NO. 4087, AS MODIFIED

(Purpose: To extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from the Glendo Reservoir)

At the appropriate place in the bill, insert the following new section and renumber any remaining sections accordingly:

SEC. AMENDMENT TO IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998.

(a) Section 2(a) of the Irrigation Project Contract Extension Act of 1998, Pub. L. No. 105-293, is amended by striking the date "December 31, 2000", and inserting in lieu thereof the date "December 31, 2003";

(b) Subsection 2(b) of the Irrigation Project Contract Extension Act of 1998, Pub. L. No. 105-293, is amended by:

(1) striking the phrase "not to go beyond December 31, 2001", and inserting in lieu thereof the phrase "not to go beyond December 31, 2003"; and

(2) striking the phrase "terminates prior to December 31, 2000", and inserting in lieu thereof "terminates prior to December 31, 2003."

AMENDMENT NO. 4091, AS MODIFIED

(Purpose: To provide funding for a flood control project in Minnesota)

On page 52, line 2, insert the following before the period:

"Provide further, That \$500,000 of the funding appropriated herein shall be used to undertake the Hay Creek, Roseau County, Minnesota Flood Control Project under Section 206 funding.

AMENDMENT NO. 4108, AS MODIFIED

(Purpose: To direct the Administrator of the Environmental Protection Agency to develop standards for evaluating dredged material for remediation purposes at, and to provide funding for a nonocean alternative remediation demonstration project for dredged material at, the Historic Area Remediation Site, New Jersey)

On page 58, between lines 13 and 14, insert the following:

SEC. 1. APPROPRIATION FOR ALTERNATIVE NONOCEAN REMEDIATION SITES.

The Secretary of the Army may use up to \$1,000,000 of available funds to carry out a nonocean alternative remediation demonstration project for dredged material at the Historic Area Remediation Site.

AMENDMENT NO. 4109, AS MODIFIED

(Purpose: To set aside funds to establish a program for direct marketing of certain dredged material to public agencies and private entities)

On page 53, line 8, after "facilities", insert the following: ", and of which \$150,000 of funds made available for the Delaware River, Philadelphia to the Sea, shall be made available for the Philadelphia District of the Corps of Engineers to establish a program to allow the direct marketing of dredged material from the Delaware River Deepening Project to public agencies and private entities".

AMENDMENT NO. 4113, AS MODIFIED

(Purpose: To set aside funding for an ethanol demonstration project)

On page 67, line 4, strike "Fund:" and insert "Fund, and of which \$100,000 shall be made available to Western Biomass Energy LLC for an ethanol demonstration project:".

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, does Senator REID have anything further to add?

Mr. REID. Mr. President, I want to express my appreciation to the chairman of the Budget Committee and to the chairman of this subcommittee for the great work he has done. He has been a pleasure to work with.

I also express my appreciation to your very excellent staff. David Gwaltney and Lashawnda Smith have been tremendous to work with. My staff complimented them through me on many occasions.

I also want to thank Steve Bell, chief of staff; and Drew Willison has done such a brilliant job, assisted by your detailee from the Army Corps of Engineers from Vicksburg; and Elizabeth Blevins of the subcommittee staff.

Mr. DOMENICI. Mr. President, I have already mentioned today and on another occasion the importance of this bill. I thank all Senators for cooperating. We did our very best on the numerous amendments, and we will do our very best in conference. Everyone knows we are very short of money on the nondefense side. If we can get some assistance from the appropriations

committee, we will be able to help solve many of these problems in conference.

In the meantime, I want to say to Senator REID that it is always a pleasure to work with him. We will go to conference and do the best we can.

I want to thank Drew Willison of Senator REID's staff. He is a tremendous asset, and we very much like working with him.

I thank the Senator for his thanks to the two members of my staff. They are truly professional, and I am very grateful to them.

Mr. President, we have nothing further. I ask for the yeas and nays on final passage of this bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

DREDGING OF THE DELAWARE RIVER

Mr. TORRICELLI. Mr. President, I wish to enter into a colloquy with the distinguished Senators from our neighboring state of Delaware, Senators ROTH and BIDEN. Each of us has communicated with members of the Appropriations Committee on a matter of deep concern to us and our constituents that has been included in the FY 2001 Energy and Water Development Appropriations bill. The Army Corps of Engineers' Delaware River Deepening Project seeks to deepen over 100 miles of the Delaware River channel from the current authorized 40-foot depth to 45 feet. The project would dredge 33 million cubic yards of bottom sediments, placing some 23 million cubic yards in dredge disposal areas in New Jersey, and 10 million cubic yards along Delaware shores.

This project continues to be highly controversial in our states for a number of reasons. First, there remain significant environmental concerns regarding the material to be dredged and its ultimate disposal and impacts on the environment of the Delaware Bay. The Corps of engineers has been criticized for its method of evaluating toxic and polluted sediments—using an averaging method, which many believe can mask the potential impact of dredging toxic hot spots and more concentrated polluted material. Our citizens continue to have strong concerns about the impacts of dredging and disposal on water quality, on drinking water supplies, on important recovering shellfish areas, and on the environment in the vicinity of proposed disposal areas.

A number of members of the New Jersey and Delaware congressional delegations and state agencies have made requests to the Corps of engineers to address a number of these issues. Earlier this year, Representative Andrews and I made a request to the General Accounting Office to conduct a review of the cost-benefit and environmental analyses in light of many of the concerns that have been raised about this

project. In addition, Representatives SAXTON and LOBIONDO also sent a similar request to the GAO regarding the economic and environmental issues regarding the Delaware Deepening project. The GAO responded that it could not conduct and complete the study as quickly as would be necessary for conclusions to assist in the consideration of the FY 2001 Energy and Water Development Appropriation.

I want to state here that I intend to continue to pursue these issues and over the course of the next several months to engage the General Accounting Office, the Army Inspector General, the Army Corps of engineers, and any other appropriate agencies to get answers to the questions that I believe are critical to my constituents. For the record, Mr. President, I would like to enter into the record copies of study requests made by members of the New Jersey delegation to the General Accounting regarding the Delaware River Main Channel Deepening project.

If I may address the distinguished senior Senator from Delaware, have you not also made known your concerns to the Committee on Appropriations and to the Army Corps of Engineers?

Mr. ROTH. I thank the gentleman from New Jersey and I would answer his question, indeed we have.

In May of this year, Senator BIDEN and I wrote to the Chairman of the energy and Water Development Appropriations Subcommittee, the distinguished Senator from New Mexico, indicating that the response of the Corps of Engineers to the list of concerns raised by the State of Delaware's Department of Natural Resources and Environmental Control regarding necessary permitting, environmental studies, and environmental protection has been entirely inadequate. In our letter, we indicated that this project must not proceed until environmental information and permitting concerns raised by Delaware's Department of Natural Resources and Environmental Control are satisfactorily addressed by the Army Corps of Engineers.

As a strong supporter of the Coastal Zone Management Plan, I am concerned about the potential environmental impacts of the proposed channel deepening. I strongly urge the Corps to continue negotiating in good faith with the State of Delaware to resolve outstanding informational and permitting issues through a legally enforceable agreement that will safeguard Delaware's natural resources. If an agreement cannot be reached through good faith negotiations, then the State of Delaware should pursue this matter in court.

Mr. TORRICELLI. I thank the Senator for that clarification. Does that also describe the concerns and sentiments of the Senator from Delaware, Senator BIDEN?

Mr. BIDEN. I thank the Senator from New Jersey and the senior Senator from Delaware for their remarks, and wish to indicate my concurrence with the points that they have made. I have had questions about this project, the planning process, its economic justification, and the potential for environmental harm for a number of years. I further understand that the State of Delaware's capital bond bill committee in July indicated in writing its intention to withhold all state money for the Deepening project until the State's Department of Natural Resources and Environmental Control is satisfied and necessary permits obtained.

I believe we need to continue to pursue a resolution to these environmental issues and that the Corps should not move forward to construction unless and until appropriate permits have been issued, and the Congress has before it the information needed to determine that the project is safe and truly justified.

I ask unanimous consent to print in the RECORD, several letters from the Delaware DNREC which discuss the State's concerns.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, May 2, 2000.

Mr. DAVID WALKER,
Controller General, General Accounting Office,
Washington, DC.

DEAR MR. WALKER: We are writing to request that a cost-benefit and environmental analysis be conducted as soon as possible on plans by the Army Corps of Engineers (ACOE) to bring the depth of the Delaware River to 45 feet. This channel deepening project was authorized as part of the Water Resource Development Acts of 1992 (section 101(6)) and 1999 (section 308).

The Plan is estimated to cost \$311 million, two-thirds of which would be provided by the federal government. Proponents of the Plan argue that the channel needs to be deepened to accommodate the next generation of cargo ships and that cost saving benefits will be realized by area oil refineries. However, many of our constituents have called into question these benefits and the necessity of channel deepening in keeping the port competitive. Therefore, we are eager to identify the benefits of this project to the nation, and whether these justify the taxpayer cost.

In addition to this central and legally mandated issue of national benefit, we would like to request an analysis of three additional issues by the General Accounting Office (GAO).

First, there is a question as to whether the project sponsors have complied with all of the provisions of the National Environmental Policy Act (NEPA). The Environmental Impact Statement associated with this project appears to be deficient in five ways: (a) there was no assessment of the ecological issues pertaining to the disposal sites for dredged materials because the sites were not identified when the EIS was done; (b) there was no assessment of the impact of any dredging of the private berths of the oil refinery (if any takes place) which is functionally a part of this project; (c) the habitat assessment part of the EIS may not adequately

assess the impact of the project on essential fish and oyster habitats; (d) "used mean values" (averages) were improperly used to assess the level of toxins in River sediment and in so doing masked the existence of toxic "hot spots"; and (e) threats to drinking water supplies and water quality have yet to be adequately analyzed and addressed.

Second, the Delaware dredging project reportedly will produce 33 million cubic yards of dredged materials. Ten million yards are scheduled to be used for beach restoration in the State of Delaware. The remaining 23 million cubic yards will simply be dumped on the New Jersey side of the river.

With little effort, the planners of this project were able to find a beneficial use for 10 million cubic yards of this material. We are concerned that insufficient efforts has been made to find more beneficial uses for the remaining 23 million cubic yards and that New Jersey has been asked to bear too great a burden in its disposal. Thus, we request that the GAO look at both the environmental and economic impacts of placing 23 million cubic yards of dredged materials on the riverfront of these New Jersey communities.

Third, we also ask the GAO to investigate why almost no commitments have yet been received from the businesses who stand to benefit from this dredging. The argument has been made that this project is necessary to keep shipping commerce on the Delaware River. Yet few of these businesses have made commitments to dredge their ports on the Delaware River to match the depth of the main channel. If these businesses truly need this project, we are curious as to why they are not also working to make room for the larger ships this project is meant to accommodate.

As you can see, there are still many questions to be answered regarding this project. Time is of the essence. Congress will consider as part of its FY 2001 Appropriations cycle future funding for this project. It is imperative that this project receive objective scrutiny by the GAO immediately. We offer our assistance in any way possible to facilitate a cost-benefit analysis and evaluation of environmental impacts in a timely manner. Thank you in advance for your efforts and we look forward to your report.

Sincerely,

ROBERT G. TORRICELLI,
United States Senator.
ROBERT E. ANDREWS,
Member of Congress.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 2,
New York, NY, June 30, 1999.

Mr. ROBERT CALLEGGERI,
Director, Planning Division, U.S. Army Corps of
Engineers/Philadelphia District, Wan-
maker Building, Philadelphia PA.

DEAR MR. CALLEGGERI: I am writing in reference to the proposed Delaware River Main Channel Deepening Project. In particular, we have recently become aware of potential issues associated with the project through letters from the Delaware River keeper, and discussions stemming from the April 16, 1999 forum facilitated by the Delaware River Basin Commission, as well as the June 11, 1999 meeting convened by Congressman Castle's office.

We have carefully considered these issues. For the most part, we do not believe that they necessitate revising the conclusions reached in the previous environmental impact statement (EIS) process for the project. However, we believe that the following two

issues require further consideration and effort prior to the project proceeding: the project's benefit/cost (B/C) ratio and environmental issues raised which may not have been fully evaluated or resolved during the prior planning process.

With regard to the project's B/C ratio, the original project scope included six petroleum facilities as project beneficiaries. Consequently, the benefits to these facilities were included in the project's B/C ratio. However, we have seen no documentation that any of these facilities plan to dredge their private channels. To the contrary, the limited documentation we have indicates that one or more of the petroleum companies believe that it is not in their best economic interest to participate. Accordingly, we would like to see additional documentation showing any commitments made by the companies involved and more explanation of how their participation (or lack thereof) affects the B/C ratio calculations. Moreover, if these facilities are not committed to participate, we would argue that the scope of the project would be modified, which would require the Corps' to recalculate the B/C ratio.

In addition to the economic questions, numerous environmental concerns about the project continue to be raised. While we believe that many of these concerns have been adequately addressed through the prior EIS process, there may be a need for additional environmental analyses for certain issues not fully covered in the prior EIS documentation. For example, impacts related to the dredging of the private facilities discussed above and several port facilities owned or operated by the local sponsors, and potential impacts associated with the development of new sites for dredged material disposal were not fully evaluated in the original EIS. Accordingly, these activities will have to be evaluated under NEPA.

Our final concern about the project relates to the potential impacts associated with the dredging and disposal operations. EPA, however, believes that these impacts can, and should, be addressed through the development of specific monitoring/management plans for the various dredging and disposal phases of the project. The plans should be developed to address specific goals and objectives designed to detect and prevent adverse impacts from the proposed dredging and disposal operations. At a minimum, monitoring for turbidity changes using in situ recording devices during dredging and disposal operations, bathymetry and sediment profiling imagery at the aquatic disposal locations, and ground water monitoring should be included. Additionally, the monitoring/management plans should provide for appropriate contingency actions in the event that unforeseen circumstances (e.g., high levels of contaminants) are encountered during the dredging and disposal operations. We are available to assist as necessary in the development of monitoring/management plans. At the very least, we request the opportunity to review such plans as they are being developed. Furthermore, the monitoring/management plans must be in place prior to the start of any dredging activity.

We look forward to working with you as this project progresses. Should you have any questions concerning this letter, please contact Mark Westrate of my staff at (212) 637-3789.

Sincerely yours,
ROBERT W. HARGROVE,
Chief, Strategic Planning and Multi-Media
Programs Branch.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2000.

Mr. DAVID WALKER,
Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. WALKER: On May 2, 2000, Representative Robert Andrews and Senator Robert Torricelli wrote to you requesting the General Accounting Office (GAO) review the cost-benefit and environmental analysis of the U.S. Army Corps of Engineer's (USACE) project to dredge the Delaware River to 45 feet. In addition, they asked you to evaluate whether the Corps of Engineers has complied with all provisions of the National Environmental Policy Act, the environmental and economic impacts of placing 23 million cubic yards of dredged materials on the New Jersey riverfront, and why almost no commitments to deepen their side channels have been received from the oil refineries who are identified as receiving 80% of the projects benefits. We support the request by Representative Andrews and Senator Torricelli, and ask that you address several other critical issues dealing with the accuracy of the USACE's study of this project.

Throughout this project, oil facilities located along the Delaware have been identified as the major beneficiaries. However, five of the six facilities have made no commitment to invest the funds necessary to deepen their side-channels and have indicated they are unlikely to do so. Therefore, we request the GAO to recalculate the cost-benefit ratio of this project if the oil facilities do not deepen their side-channels.

The USACE has identified other potential beneficiaries of the deepening project to include the Port of Philadelphia and Camden. We ask that the GAO utilize its expertise in port infrastructure and competitiveness and conduct a study focusing on shipping trends in the North Atlantic Region. In particular, we request the GAO to evaluate the viability of the Port of Philadelphia and Camden becoming a major regional hub port for deep draft container ships if the Delaware River were deepened from 40 to 45 feet. There is no guarantee that the new generation of container ships will ever call at the Port of Philadelphia and Camden at a depth of 45 feet.

In addition, studies prepared by the USACE Waterways Experiment Station (WES) to determine the potential for salt-water flow into the C&D Canal and the Delaware River may have reached inappropriate conclusions to minimize potential environmental impacts of the project. The studies have since been sent back to the WES for re-analysis. We ask that the GAO investigate discrepancies between the studies and determine how they came about. We would also like the GAO to examine all current Corps studies on the Delaware River Deepening Project to determine if similar discrepancies exist.

This information will be critical in helping Congress determine whether the project's national economic benefits are sufficient enough to invest over \$200 million. Since Congress will consider future funding for this project in the FY2001 appropriations cycle, it is essential this project receive objective scrutiny by the GAO immediately. We offer our assistance in any way possible to facilitate a cost-benefit analysis, evaluate of environmental impacts, and a review of the accuracy of the USACE studies of this project in a timely manner. Thank you for your efforts and we look forward to your report.

Sincerely,
JIM SAXTON,

Member of Congress,
FRANK A. LOBIONDO,
Member of Congress.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,

Dover, DE, March 31, 2000.

LTC DEBRA M. LEWIS,
U.S. Army Corps of Engineers, Wanamaker Building, Philadelphia, PA.

DEAR LIEUTENANT COLONEL LEWIS: I am writing to follow up on our numerous conversations and correspondence regarding the proposed deepening of the Delaware River Main Channel. I appreciate your willingness to address these issues and to work constructively with the State of Delaware to ensure that this project will not go forward unless it complies with our environmental laws and that any environmental impacts from this project will be minimal.

This letter summarizes the remaining environmental issues that the Department of Natural Resources and Environmental Control (DNREC) believes need resolution. In particular, it is essential that the Corps demonstrate conclusively that the project will comply with State of Delaware Surface Water Quality Standards, the Wetlands Act, and the requirements of the Subaqueous Lands Act. We also are beginning to formulate the requirements for testing and monitoring that would apply before, during, and after completion of the project should it move forward.

As you are aware, the National Oceanic and Atmospheric Administration regulations (15 CFR 930) require that this project be consistent with the Delaware Coastal Management Program (DCMP) policies. That program issued a conditional Federal Consistency determination to the Corps on 1 May 1997. The extensive scope of this project necessitated that DCMP review the project in phases. Now that the final design and specification phase is underway, it is an appropriate time to address remaining issues regarding the project. The conditional approvals did not obviate the need to meet the substantive requirements of other state permits.

The outstanding issues include construction of material placement facilities, placement of sandy dredged material on beaches, the wetland creation project at Kelly Island, various monitoring and reporting requirements, fisheries concerns, and future maintenance burdens for the project.

I. CONSTRUCTION OF CONFINED DISPOSAL FACILITIES

Prior to any construction, it will be necessary to identify and describe in detail the functions of all confined disposal facilities (CDFs) to be used for the project—whether located within the land area of the State of Delaware or discharging into Delaware waters. It is our understanding that the only Delaware-land sites slated for use are Reedy Point North and South, both currently in existence. This list identifying the disposal sites must include a description of the current status of each site, expected future capacity, amount of material to be deposited during the initial dredging cycle, and ability to accept material for future maintenance cycles. Additionally, there must be reasonable assurance that the site is designed and operated in a manner which can ensure compliance with Delaware State Water Quality Standards. The rationale and justification supporting this assurance must be provided in detail.

In addition, an Erosion and Sediment Control plan is required from the Division of

Soil & Water for any landward disturbance of 5000 square feet or more. Several of the principles regarding erosion and sediment control are included for general reference:

An approved erosion and sediment control plan must be followed. Any modifications to the plan must be approved as revisions to the approved plan.

Any site or portion thereof on which a land-disturbing activity is completed or stopped for a period of fourteen days must be stabilized either permanently or temporarily following the specifications and standards in the Erosion and Sediment Control Handbook.

Unless an exception is approved, not more than 20 acres may be cleared at any one time in order to minimize areas of exposed ground cover and reduce erosion rates.

A land-disturbing activity shall not cause increased sedimentation or accelerated erosion off-site. Off-site means neighboring properties, drainageways, public facilities, public rights-of-ways or streets, and water courses including streams, lakes, wetlands, etc.

More specific criteria for vegetation and berm stabilization can be found in the Delaware Erosion and Sediment Control Handbook for Development.

The Corps must also comply with any additional requirements of the State NPDES program. A permit regulating the discharge of effluent from the CDFs is likely. Additional NPDES Storm Water Regulations apply, since a NPDES certification is required for land disturbing activities. The "Regulations Governing Storm Water Discharges Associated with Industrial Activity, Part 2—Special Conditions for Storm Water Associated with Land Disturbing Activities" (1998) states that "Land disturbing activities shall not commence and coverage under this Part shall not apply until the Sediment and Stormwater Management Plan for a site has been approved, stamped, signed and dated . . .".

2. PLACEMENT OF SANDY DREDGED MATERIAL ON BEACHES

To date, DNREC has not received official word of which beaches have been chosen to receive sand from the southern portion of the project. This information should be made available as soon as it is determined so that we can evaluate the permits and requirements needed. Please be advised that DNREC expects that consideration be given to a number of shoreline locations previously nourished. A Section 401 Water Quality Certification and State Subaqueous Lands permit will be necessary for beach nourishment activities. Our intent is to ensure that state Water Quality Standards are met. DNREC also wants to ensure that beach replenishment activities will not take place during critical horseshoe crab spawning periods (April 15-June 30). Also, sand placement activities should not use barriers (i.e. silt fences, bulkheads, rocks, etc.) that would interfere with spawning.

3. WETLAND CREATION/ENHANCEMENT PROJECT AT KELLY ISLAND

DNREC anticipates coordinating with the Corps on the final design and monitoring plan for Kelly Island at a meeting on 5 April 2000. However, the following describes general principles which would be applicable regardless of the specific design criteria.

An Erosion and Sediment Control plan is required from the Division of Soil & Water Conservation. The general requirements are listed above under item 1.

The Corps must also comply with any additional requirements of the State NPDES pro-

gram. This includes the NPDES Storm Water Regulations as well as the State Sediment and Stormwater Regulations, since a NPDES certification is required for land disturbing activities.

Because the beneficial use project at Kelly Island will take place in an existing wetland area, a Wetlands Permit will be required from the Division of Water Resources. In addition, a Subaqueous Lands Lease will also be necessary. There are several standard conditions for mitigation projects which should apply to the wetland creation/enhancement taking place at that site. For example, standard mitigation projects must demonstrate 85% survival of the planted vegetation after the second growing season. If 85% is not achieved then a report outlining corrective action must be submitted. Other parameters for stabilization and flow should be developed by Corps engineers and submitted to DNREC for final review and approval.

The Corps must also commit to maintaining the integrity of the created site at Kelly Island and to do what is necessary to evaluate and ensure the function of the new/enhanced wetland area. In addition, the beach constructed at the perimeter must be able to withstand a significant storm event. The project should be examined and monitored annually in order to ensure berm stability, vegetation viability, flushing, and general "success" of revitalizing the wetland habitat at that site. A monitoring report to this effect will be required annually.

The DNREC, Division of Fish and Wildlife, has concerns about increased silt load and sedimentation of adjacent oyster habitat during construction of the perimeter sand sill at Kelly Island and while the confined disposal area is being filled. Seed beds of concern include "Drum Bed," "Silver Bed," and "Pleasanton's Rock," as these are the closest seed beds to Kelly Island. Should an impact be noted on these beds, it would indicate a need to monitor "Ridge Bed" which is farther from the project area but has historically been very productive.

Monitoring of oyster population conditions and habitat quality should begin prior to construction and continue throughout. Checking for changes in sedimentation patterns should be extensive and focused at broad areas of each bed rather than be limited to discrete sections. In addition, it may be necessary to monitor oyster habitat on leased grounds south of the Mahon River mouth as they may be impacted by sediments moved south by ebb tide currents.

4. MONITORING AND REPORTING

Monitoring at confined disposal facilities

Monitoring of confined disposal facilities (CDFs) must be performed to determine whether return flows from the CDFs cause or contribute to violations of Delaware Surface Water Quality Standards. This is an issue of concern for the Department because CDFs often discharge return flows into ecologically sensitive, shallow water habitats which have limited dilution and dispersion capacity. To evaluate whether return flows are causing or contributing to violations of the Standards, the Corps will need to collect data on flow rate, duration, concentration, and toxicity of CDF discharges and then determine the resulting concentration and toxicity in the receiving water through a combination of fate and transport modeling and in-stream sampling. Both near-field (i.e., mixing zone) and far-field (i.e., complete mix) concentrations and toxicity resulting from the discharges must be determined and compared to applicable Standards.

Sampling and analysis for the CDF should follow the general approach taken by the

Corps in evaluating the Pedricktown CDF (i.e., "Pedricktown Confined Disposal Facility Contaminant Loading and Water Quality Analysis," June 1999). The Corps will need to submit a sampling plan/scope of work to the Department for review and approval prior to proceeding with this work and prior to discharging from the CDFs. Close out reports detailing the findings of the sampling and analysis will also need to be submitted to the Department for review and approval. If violations of applicable Standards are identified, then the close out report should identify the steps the Corps intends to take in order to eliminate future violations. Based upon the findings of the initial studies, the Department will determine the nature and extent of subsequent testing that will need to be performed at the CDFs in order to assess compliance with Delaware Surface Water Quality Standards.

In addition to the testing described above, the Corps will also need to collect contaminant data for surface sediments in the CDFs and assess potential impacts to terrestrial and avian species that may use the disposal areas. A plan to accomplish this work should be submitted to the Department for review and approval, as should a close out report. If unacceptable risks are identified as a result of this assessment, then the Corps will need to develop a plan to limit access to the site.

Finally, the Corps will need to submit an annual letter to the Department which summarizes the operational history and structural integrity of any CDF used over the previous year. The letter should address the following factors:

Condition of containment berms, dewatering and stormwater weirs, and other structures.

Summary of disposal operations at the CDF over the past year, including volumes of material placed into the CDF, as well as volumes, mass loading, duration, and timing of return flows.

Summary of maintenance and management activities conducted at the CDF.

Summary of any material removed from the site.

Analysis of available remaining disposal capacity at the site.

Summary of surface and groundwater monitoring programs not otherwise covered in the study identified above.

Monitoring during dredging operation

It will be necessary to monitor during dredging operations in order to ensure that the predictions of "no significant impacts" are fulfilled. Therefore, the Corps should submit a sampling plan to the Department for review and approval.

Measuring the exact position of the dredge at all times is essential to ensuring that the channel and bends are deepened based upon the footprint of the original project. Sampling in the water column surrounding the excavation will require, at a minimum, collection of data on total suspended solids concentrations, dissolved oxygen, ammonia, and any contaminants of concern identified in the pre-dredge evaluation. Suspended solids must be maintained between 25 and 250 mg/l at the edge of a two-hundred foot regulatory mixing zone in order to meet water quality standards, according to the report Metal Contamination of Sediments in the Delaware River Navigation Channel (Greene, 1999). The results from all sampling data must be compared to applicable Delaware Surface Water Quality Standards, and any exceedances must be reported immediately.

The Corps must also work with DNREC to develop a protocol that will come into effect

if water quality violations are identified. This would include events where total suspended solids are higher than those determined to be sustainable around the point of excavation.

Additionally, the Corps must follow established protocol if turtles, sturgeon, or other species of concern are identified in the dredge slurry or if there is indication that these species are excessively impacted.

Standard best management practices should be used to the extent practicable during the dredging operation in order to minimize sediment suspension, impacts to aquatic organisms, and water quality exceedances.

If the Corps intends to use the practice of economic loading during the Main Channel Deepening project, this must be discussed with the DNREC. Permission must be granted for economic loading and will be limited by geographical location and material characteristics. Additional monitoring will also be required.

Bi-Annual Reporting

In addition to the annual reporting information stated above, I request that the Secretary of DNREC receive a bi-annual report detailing the progress of the Main Channel Deepening project, including the locations dredged in the previous twelve months, the status and capacity of CDFs, and any unforeseen consequences and their remedies. I would expect members of my staff to be in regular contact with their peers at the Corps in order to ensure that the project satisfies the requirements of the State of Delaware's laws, regulations, and standards.

5. FISHERIES AND LIVING RESOURCE CONCERNS

Aquatic species of concern include sea turtles, several species of whales, and shortnose and Atlantic sturgeon, along with several others. The Corps must follow the recommended dredging windows as established by the Delaware River Basin Fish and Wildlife Cooperative and as reported in the 1997 Supplemental Environmental Impact Statement.

In addition, the following concerns from the Division of Fish and Wildlife must be addressed:

Striped bass spawning is a concern from the Delaware Memorial Bridge to Philadelphia April 15 to June 15. The Delaware Basin Fish and Wildlife Cooperative May 1997 policy entitled "Seasonal restrictions for dredging, blasting and overboard disposal in the mainstream of the Delaware River" should be followed in order to protect anadromous spawners such as striped bass.

Atlantic sturgeon spawning sites are located over rocky bottom in the deepest portion of the river. Spawning season is April 15 to June 15. Because the eggs adhere to the hard surfaces, rock should not be blasted or removed from the river through the end of June to protect sturgeon eggs and larvae.

Atlantic sturgeon wintering areas are located from Artificial Island to Chester, Pennsylvania.

An observer should be placed on hopper dredges to monitor for sturgeon impacts on overwintering fish in the wintering areas.

The Corps will need an "incidental take statement" from NMFS as required under the Endangered Species Act for sea turtles and shortnose sturgeon. The Corps should ensure that their agreement with NMFS reflects the most up-to-date requirements. A copy of this statement should be provided to the Division of Fish and Wildlife.

In addition, a turtle observer should be on board the dredge during the period of the year when sea turtles are known to be

present in our area. The report from this observer, as well as any identified turtle parts, should be forwarded to the Division of Fish and Wildlife as well.

6. FUTURE MAINTENANCE

If the Main Channel is deepened, there will be increased volumes of material removed during each maintenance cycle in order to achieve the project depth. This material will place additional burden on existing disposal areas, causing them to fill at a more rapid rate than with the forty-foot project depth. As a result, new disposal facilities must be sited or beneficial uses must be developed for the material currently contained in the facilities. The Corps must be prepared to address dredged material placement needs in the context of future maintenance related to the proposed deepening.

We look forward to continuing our dialogue and working to resolve the above issues before any plans for actual construction take place. As the Department of Natural Resources and Environmental Control, it is our mission to ensure that projects are designed to avoid or minimize adverse impacts on air and water quality, habitat, and living resources. The above requests and requirements are in keeping with this charge as it applies to the proposed deepening of the Delaware River Main Channel.

Sincerely,

NICHOLAS A. DIPASQUALE,
Secretary.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,
Dover, DE, July 14, 2000.

LTC DEBRA M. LEWIS,
U.S. Army Corps of Engineers, Wanamaker Building, Philadelphia, PA.

Re: Delaware River Main Channel Deepening Project

DEAR LIEUTENANT COLONEL LEWIS: The Department of Natural Resources and Environmental Control (DNREC) has reviewed your letter of June 9, 2000 and the updated matrix entitled "Assessment of Environmental Issues" that you provided in response to my March 31, 2000 letter regarding the deepening of the Delaware River Main Channel. This letter also addresses issues raised in your most recent correspondence to me of July 9, 2000. Let me begin by thanking you and your staff for meeting with me and members of my staff, discussing our concerns and providing the organized response. Overall, we appear to be in agreement on the means to resolve many issues. Clarifications of DNREC requirements for specific issues are outlined below. We still have several remaining concerns.

The following are comments from the Department regarding the matrix "Assessment of Environmental Issues." Comments are organized by section.

1.0 CONFINED DISPOSAL FACILITIES

1.1 & 1.2 The Corps will need to follow the requirements for Delaware permit processing, regardless of the eventual enforcement mechanism. DNREC uses EPA Application Form 1—General Information; EPA Application Form 2D—New Sources and New Discharges and EPA Application Form 2E—Facilities Which Do Not Discharge Process Wastewater to collect information to control discharges such as those from CDFs. These forms must be filled out and submitted to the Division of Water Resources for all discharges that could impact Delaware waters. Copies are attached.

1.3 Procedures for effluent monitoring must be submitted to DNREC for review and comment. This should be sent along with the information required for permit processing (above). State of Delaware water quality standards attached.

1.4 It appears that DNREC's concern for contaminants might be deferred until post project. DNREC's original comment reflected two concerns: potential contaminant discharge during de-watering and potential longer term impacts after de-watering. These concerns need to be addressed by the Corps before the project commences.

2.0 SAND PLACEMENT ON DELAWARE BEACHES

2.1 See Attachment A for a list of Delaware's preferred locations for sand placement.

The FEIS does not address the impacts of placing material on Delaware beaches. The EIS will not be complete until it is amended to address this issue.

2.2 It is unclear from your response whether you intend to apply for Subaqueous Lands permits. Does your acknowledgement of 401 Water Quality Certification requirements include agreement on Subaqueous Lands permits? A Subaqueous Lands permit or its enforceable equivalent is needed.

2.3 DNREC is satisfied with the agreement regarding horseshoe crab protection measures.

3.0 WETLAND CREATION/ENHANCEMENT

3.1 If tidal wetlands are to be impacted during the construction of Kelly Island, the substantive requirements of a State of Delaware wetlands permit must be obtained before any work can commence.

If the de-watering of Kelly Island necessitates a discharge into surface waters, the Corps will be required to complete the same application forms required for CDFs.

3.2 DNREC will continue working with the Corps until a final wetland design plan can be approved. Work cannot commence until this plan is finalized. Regardless of what the Kelly Island project is referred to, we are targeting the survival rates outlined in the March 31, 2000 letter as measures of success.

3.3 A post-construction monitoring plan to ensure protection of water quality standards must be developed by the Corps and submitted to DNREC for review and approval before the project can commence. In addition, the Corps must clarify how long it intends to maintain the beach constructed in front of the wetland area.

3.4 A Subaqueous Lands permit or its enforceable equivalent is required.

4.0 OYSTER HABITAT MONITORING

DNREC is awaiting the final oyster-monitoring plan from the Corps for review and comment. The monitoring plan should include widespread measures of sediment coverage.

5.0 WATER QUALITY MONITORING

DNREC requires that a sampling plan at the point of dredging be submitted for review and comment. This plan is to include steps to be taken if TSS exceeds 250 mg/l.

Corps regulations require that an EIS address water quality impacts in states adjoining areas where side channels and berthing areas are to be dredged. The Corps is to assist the states where this dredging is to occur in obtaining Section 401 Water Quality Certification from the State where there could be adverse impacts on water quality. The Corps has not done this for the dredging that will occur at Marcus Hook.

6.0 ENDANGERED SPECIES

6.1 DNREC requires the submission of protocols for monitoring potential impacts to sea turtles and short-nose sturgeon for review and comment before the project commences.

6.2 DNREC is satisfied with agreements regarding protections of sea turtles.

7.0 DREDGING

7.1 DNREC is satisfied regarding adherence to dredging windows.

7.2 DNREC is satisfied regarding adherence to dredging windows for striped bass.

7.3 DNREC is satisfied regarding adherence to dredging windows for Atlantic sturgeon.

7.4 DNREC is satisfied regarding adherence to dredging windows for Atlantic sturgeon.

7.5 DNREC is satisfied regarding Atlantic sturgeon overwintering monitoring for hopper dredge activities.

7.6 The extent of economic loading needs to be finalized and approved by DNREC before the project can commence.

*Please note final comments regarding female overwintering blue crabs.

8.0 REPORTING

8.1. An outline for the CDF Annual Operational Report must be submitted to DNREC for review and comment before the project may commence.

A description of current CDF site conditions must also be submitted.

8.2 DNREC is satisfied with agreements for bi-annual progress reporting.

8.3 DNREC is satisfied with agreements for CDF capacity for maintaining windows as established

Please share with us as soon as possible the Corps' proposed dredging schedule and dredging techniques. Over the past years, we have discussed many dredging closure windows and investigated the impacts of economic loading. If the Corps plans to dredge the lower Delaware Bay during the winter, we need to know what measures will be put in place to avoid and reduce impacts to overwintering female blue crabs. During cold winters female blue crabs hibernate in the channel, particularly on the channel sides. They may be torpid and unable to move away from the dredge as stated in the Supplemental EIS. This, combined with the possibility of economic loading depositing a burdensome amount of sediment on top of them, should be accounted for and avoided. This most important fishery must be protected.

Also, we have gotten conflicting information regarding the final quality of rock available after blasting. As you may be aware, our conditional consistency determination required the Corps to make this rock available to Delaware for habitat improvement. This rock is a resource that be-

longs to Delaware. Placement of rock in Delaware's eleven permitted reef sites could serve as partial mitigation for unavoidable fisheries impacts sustained during the dredging process.

Additionally, a preliminary DNREC review of berthing area sediment toxicity data has shown contamination levels of concern. We are just now bringing this issue up because of the length of time it took the Corps to provide the requested data and the time it took our staff to convert the raw data to an electronic format to facilitate analysis. I trust you have shared this information with the state environmental agencies of Pennsylvania and New Jersey. It is our understanding that Corps regulations and Section 401 of the Clean Water Act require that an EIS address water quality impacts in states adjoining areas where side channel berthing areas are to be dredged and that the Corps is to assist states to obtain Section 401 Water Quality Certification from the affected state. DNREC requests that you document potential effects to waters of the State of Delaware from dredging activities in side channel/berthing areas in adjoining states.

Finally, as previously discussed on numerous occasions and as we have maintained over the past decade, the State of Delaware continues to assert that the Corps is subject to state permitting requirements for this project. We have provided your legal and technical staff with appropriate statutory and regulatory requirements and permit application forms. Before we will entertain any further discussion about alternative mechanisms for satisfying these remaining environmental and regulatory requirements, the U.S. Army Corps of Engineers must provide to the Delaware Department of Natural Resources and Environmental Control a written legal justification that articulates why the Corps should be exempt from applying for required State of Delaware permits.

Sincerely,

NICHOLAS A. DIPASQUALE,
Secretary.

SOLAR AND RENEWABLE ENERGY ACTIVITIES

Mr. DORGAN. Mr. President, I would like to commend the chairman and ranking minority member of the Energy and Water Development Appropriations Subcommittee for including \$43.617 million for Solar and Renewable Energy activities, and to discuss briefly a renewable energy project in my home state of North Dakota.

One of the most abundant sources of energy in the Upper Great Plains region is wind. My State of North Dakota ranks first in wind power production potential, and the Department of Energy has said that North Dakota alone could capture enough wind energy to supply 36 percent of the power needs of the lower 48 States. Not only does wind offer a clean and inexpensive form of energy, it also could provide our rural residents with an important source of income. DOE estimates that a 1,000-acre farm could earn as much as \$80,000 per year in wind royalties.

One wind energy initiative of particular interest to me is being conducted on the Turtle Mountain Chippewa Reservation by the Center for New Growth and Economic Development at the Turtle Mountain Community College. I had hoped that the Com-

mittee would have designated \$1 million for this project, but the Subcommittee's current allocation was not at a level to accommodate funding for new start-up projects in the renewable energy accounts.

I recognize that it is difficult to speculate about what the final budget allocation for this bill might allow, but I would ask the chairman and the ranking minority member to consider designating \$1 million for this project in conference should additional funds for the programs under the Subcommittee's jurisdiction become available.

Mr. REID. I recognize the importance of wind energy development not only for North Dakota but also for the other states that might benefit from North Dakota's ability to harness this great resource. This project discussed by the Senator from North Dakota is particularly unique since it is being conducted by Native Americans in an effort to reduce their dependence on fossil fuels and to become more financially self-sufficient. Although we do not know, as the Senator points out, what our final allocation may be, the Senator can be assured that I will do my best to see that this initiative is funded, should the Subcommittee's allocation allow additional projects.

Mr. DOMENICI. It is my understanding that the funds being requested by the Senator would be used for a wind turbine and for educational purposes such as teaching others on the reservation and in the region how to establish and maintain "wind farms".

Mr. DORGAN. Yes, the Senator's understanding is correct. The Center for New Growth and Economic Development will work with Turtle Mountain Community College to develop a curriculum on "windsmithing" so that others can learn the trade of wind energy. The Turtle Mountain Chippewa Reservation is located in the middle of a natural wind tunnel so this is a natural place to develop expertise relating to wind energy.

Mr. DOMENICI. I thank the Senator from North Dakota for this explanation, and agree that this Center has potential to provide an innovative approach to an old technology—the windmill.

ADVANCED TECHNOLOGIES INSTITUTE,
UNIVERSITY OF CONNECTICUT

Mr. DODD. Mr. President, I would like to engage in a colloquy with Senator REID, the ranking member of the Senate Energy and Water Appropriations Committee.

I want to raise an issue and briefly discuss an amendment that I filed regarding the University of Connecticut. The amendment requests that the Department of Energy release \$7.9 million that was originally appropriated in 1993 for the construction of an Advanced Technologies Institute at the University of Connecticut. Because of initial

problems with the siting of the facility, the University was granted no-cost extensions for the award. The problems have since been resolved and the University is ready to break ground. I believe that the University of Connecticut, like other institutions, may, without Congressional action, lose out on the receipt of money that was already set aside for them. It is my understanding that the Senate, in its wisdom, has resolved similar situations in recent months. I would ask the chairman and ranking member to continue to work with me to try and rectify the situation with the University of Connecticut.

Mr. REID. Mr. President, I appreciate what the Senator from Connecticut has said. I would like to work with him on this issue as we move to Conference on this bill. Several of our colleagues have had similar problems with other projects and I will continue to work with the Senator from Connecticut as we move to Conference.

GREAT LAKES SEDIMENT TRIBUTARY TRANSPORT MODELS

Mr. DEWINE. Mr. President, as co-chairs of the Senate Great Lakes Task Force, the distinguished Senator from Michigan and myself want to take this opportunity to reiterate our support for a program of great interest to our colleagues from the Great Lakes states.

Section 516(c) of the Water Resources Development Act of 1996 authorizes the Army Corps of Engineers to construct sediment transport models for major tributaries of the Great Lakes. This is a project aimed at the prevention end of a complex of sediment-related problems in the Great Lakes region—problems which are costing this country millions of dollars each year to remediate. The potential benefits of these models are such that they will pay for themselves in terms of reduced dredging and disposal costs. The benefits of the program are well-recognized nationally; the program is being used as a template for a similar authorization for the Upper Mississippi river system. In addition to their uses to the Corps of Engineers in planning for dredging needs of the region and development of cost-effective alternatives to dredging, the tributary transport models are made available to local, state and federal partners involved in nonpoint source pollution control to help target their efforts to prevent erosion which results in sedimentation of harbors and channels. A total of approximately sixty Great Lakes tributaries qualify under the authorization guidelines, 25 of which are considered high priority based on their current dredging needs.

Mr. LEVIN. Mr. President, in each of fiscal 1998 and fiscal 1999 the Congress was able to provide \$500,000 for this project—funds which were spent to begin construction of models for six priority tributaries. Models of the

Nemadji River, and Saginaw River have been completed, but lack of funding in fiscal 2000 has delayed completion of models of the Maumee River, Menominee River, Buffalo River, and Grand Calumet River. Plans to begin development of additional models for priority tributaries in Mill & Cascade Creeks, PA and Grand River, MI have also been delayed. With the first models just finishing completion, we are already seeing the benefits of the program. In the case of the Nemadji River model, the county government is starting to use the model to explore potential effects of changes to forestry practices in the Nemadji River watershed to reduce bank erosion and soil loss to Lake Superior. Preliminary analysis carried out on the Maumee model indicate that soil conservation can reduce future dredging and disposal costs.

We note that the House Committee has provided \$500,000 in fiscal 2001 funding for the modeling program and ask the distinguished ranking member to make funding for this program a high priority in conference with the House.

Mr. DOMENICI. Mr. President, I want to thank our colleagues from the Great Lakes states for highlighting the importance of this program and its potential for long-term cost. And to the extent that resources are available, I will do my best to address the funding needs of this program in Conference.

Mr. DEWINE. I thank the chairman for his consideration and congratulate the chairman and ranking member of the Appropriations Committee for presenting the Senate with an Energy and Water Development appropriations bill which addresses so many of this nation's water resources infrastructure needs.

LOW LAKE LEVELS

Mr. DEWINE. Mr. President, I would like to ask my distinguished colleague from New Mexico and Chairman of the Energy and Water Appropriations Subcommittee, Mr. DOMENICI, if he is aware of a serious problem facing Ohio and the entire Great Lakes region. For the last 2 years, water levels in the Great Lakes have been declining rapidly. This year, the water level fell below low water datum for the first time in nearly 35 years.

Mr. DOMENICI. Mr. President, I am aware of the extreme low water level problem and understand the difficulties that the Great Lakes region is facing as a result.

Mr. DEWINE. Mr. President, dredging in Great Lakes harbors and navigation channels is authorized by reference to low water datum. During periods of extremely low water, like those today, lake levels drop below low water datum. These low water levels not only threaten to cripple Great Lakes industries that depend on waterborne transportation, but they also create a serious threat to the safety of the thousands of recreational and commercial

boaters on the Lakes. Would my colleague from New Mexico agree that the Corps should ensure minimal operation depths consistent with the original authorized depths and current use of the channels and harbors when Great Lakes water levels are below the International Great Lakes Datum of 1985?

Mr. DOMENICI. Mr. President, I believe that the corps should work toward this goal recognizing the constrained nature of the operation and maintenance budget recommended for fiscal year 2001 and existing traffic using the system.

GREAT LAKES REMEDIAL ACTION PLANNING ASSISTANCE AND SEDIMENT REMEDIATION TECHNOLOGY DEMONSTRATIONS

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Energy and Water Development Appropriations, we would like to bring to the attention of the distinguished chairman and ranking member the critical problem which the Great Lakes region faces in dealing with a legacy of sediment contamination.

In 1987, the International Joint Commission designated 43 Areas of Concern on the Great Lakes where human use of the aquatic resources is severely impaired. Of the 31 U.S. sites, none have been cleaned up to the point of de-listing in the 13 years which have passed since listing. In most cases, the remaining recalcitrant problem is sediments which are contaminated with persistent toxic substances.

Mr. DEWINE. Mr. President, the Army Corps of Engineers plays a key role in addressing the contaminated sediments problem in the Great Lakes region. Section 401 of the Water Resources Development Act of 1990 authorized the Corps of Engineers to provide technical assistance to the Remedial Action Planning Committees for each of the Areas of Concern. This technical assistance is critical to developing a cost-effective and scientifically sound approach to cleanup. One of the largest obstacles to cleanup of contaminated sediments in the Great Lakes region is the lack of availability of alternative technologies for remediation of contaminated sediments. The Water Resources Development Act of 1996 amended Section 401 allowing technical assistance funds to be used for the development and demonstration of promising new remediation technologies.

Since 1990, Congress has provided a total of just \$3.25 million for the Section 401 program. Funding has never exceeded \$500,000 in any fiscal year, a level far too low to support even a single technology demonstration while maintaining key technical assistance capabilities.

We note that the House Committee has provided \$600,000 in fiscal 2001 funding for the Section 401 Program. While we welcome the prospect of this increase, even at this level funding remains woefully short of the amount

needed for this key component of our regional battle to address the problem of sediment contamination in the Great Lakes. We ask the distinguished chairman and ranking member to make funding for this program a high priority in conference with the House and within any additional funding which may become available.

Mr. DOMENICI. Mr. President, I want to thank our colleagues from the Great Lakes States for highlighting the importance of this program. To the extent that resources are available, I will do my best to address the funding needs of this program in conference.

HOUGHTON LAKE IN MICHIGAN

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Appropriations Act for Energy and Water Development, I wonder if the Senator from Nevada would answer a question about funding for a serious problem with Houghton Lake in Michigan.

Mr. REID. Mr. President, I would be pleased to offer any information about this bill to my friend from Michigan.

Mr. LEVIN. I thank the Senator. Is it correct that the Committee has provided \$6,700,000 for the Corps of Engineers' planning assistance to States program and that only \$200,000 of this funding is currently obligated to a specific project?

Mr. REID. The Senator from Michigan is correct.

Mr. LEVIN. I would ask if the Senator would be willing to consider in conference a request of \$75,000 to conduct a comprehensive water management study for Houghton Lake, MI. The Eurasian milfoil is a non-indigenous water plant that floats on the water's surface and forms large mats of plants, which lower the oxygen levels in the water below them, killing fish and making passage by boat very difficult. A large amount of the lake's surface has been infested by the milfoil.

Mr. REID. I understand that this matter is of great importance to the Senator from Michigan and the people he represents. I can assure my friend that I will attempt to provide that funding in Conference.

Mr. LEVIN. Mr. President, as always, I appreciate the courtesy of the distinguished Senator from Nevada.

NATIONAL SYNCHROTRON LIGHT SOURCE

Mr. SCHUMER. I would first like to thank Senator REID and Senator DOMENICI for their leadership and continued funding of science and research facilities.

I would like to take a moment to engage my colleague in a colloquy.

Mr. REID. I thank the Senator for his kind words and would be happy to engage in a colloquy with him.

Mr. SCHUMER. Mr. President, due to severe budget constraints in the Fiscal Year 2001 Energy and Water Appropriations, additional funding has not been

made available for the National Synchrotron Light Source at Brookhaven National Laboratory. The President's FY2001 Budget included \$3 million for upgrades and enhancements to the NSLS at Brookhaven National Laboratory under the Basic Energy Science (BES) account. The NSLS facility at Brookhaven, bringing 2,300 scientists annually is used for a whole host of issues, ranging from the first images of the AIDS virus attaching itself to a human cell; landmark progress in understanding the structure of the ribosome, the most complex component in each living cell; pivotal work on the Lyme disease bacterium, leading to a vaccine; and pioneering studies on hepatitis. These additional funds will allow Brookhaven to begin construction of two experimental stations and to hire additional staff members, which are essential in handling the growing demand of this facility.

I ask the Senator from Nevada that if additional funds are made available for the Energy and Water Appropriations Bill, that the enhancements to the NSLS be added to the current funding for Brookhaven.

Mr. REID. I agree with the Senator from New York that the additional funding for the NSLS is a high priority and the enhancements will allow more people to research and develop experiments that will effect the future of our world. Unfortunately funding constraints have prohibited the Committee from including these essential funds. When additional resources become available, we will give the NSLS priority consideration under additional science funding.

Mr. SCHUMER. I thank the Senator from Nevada for helping with this priority issue.

THE CLINTON RIVER SPILLWAY

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for Energy and Water Development.

I thank the Committee for including an \$100,000 appropriation for the Clinton River Spillway for an evaluation to determine whether the Clinton River Spillway in Michigan has a design deficiency requiring remediation.

During the 1950's, the United States Army Corps of Engineers constructed a dam on the Clinton River and a spillway to alleviate flooding. Since the completion of the project, debris has built up at the confluence of the Clinton River and spillway.

I agree with the Committee that a study must be conducted, however I ask that the study include an analysis of the cause of the debris build up as well as a determination as to whether or not there is a design deficiency. This is a continuing problem in this river basin and the Corps needs to examine the cause of the problem in order to devise a long term solution.

Mr. REID. The Senator from Michigan is correct. The cause of this prob-

lem needs to be determined and the Corps needs to include causation as a part of this study. I assure the Senator that we will interpret the study to include a causation analysis.

Mr. LEVIN. I thank the Senator from Nevada.

THE ROUGE RIVER IN SOUTHFIELD MICHIGAN

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Appropriations Act for Energy and Water Development, I wonder if the distinguished Senator from Nevada would answer a question regarding Emergency streambank and shoreline protection—sec. 14—funds?

Mr. REID. Mr. President, I would be pleased to offer any information about this bill to my friend from Michigan.

Mr. LEVIN. I thank the Senator. Is it correct that the Committee has included \$8,000,000 for section 14, Emergency streambank and shoreline erosion protection?

Mr. REID. The Senator from Michigan is correct.

Mr. LEVIN. I thank the Senator from Nevada. I would also ask if the Senator would be willing to consider in conference a request of \$40,000 for the Rouge River in Southfield, Michigan. A large slope area on the banks of the Rouge River has collapsed and is currently threatening public infrastructure. This area must be stabilized and restored before winter sets in to prevent damage to the sanitary sewer and to eliminate the threat of pollution to the Rouge River. This is a very urgent project.

Mr. REID. I understand that this matter is of great importance to the Senator from Michigan and the people he represents. I can assure my friend that I will carefully consider his request in Conference.

Mr. LEVIN. As always, I appreciate the courtesy of the distinguished Senator from Nevada.

THE BRUNSWICK HARBOR DEEPENING PROJECT IN BRUNSWICK, GEORGIA

Mr. CLELAND. Thank you, Mr. President. I rise today to discuss the current situation of Brunswick Harbor, an issue which is very important to me. I hope that I can engage the Chairman and the Ranking Member of the Senate Energy and Water Subcommittee in a floor discussion of this key matter.

The Brunswick Harbor deepening project, which was authorized in the 1999 Water Resources Develop Act, has received a favorable report from the U.S. Army Corps of Engineers and has met all required cost-benefit and environmental reviews. Preconstruction engineering and design are in the final stages. In order to keep this project on schedule, it is necessary to complete several administrative requirements before the deepening project begins. Namely, the Corps of Engineers and the Non-Federal sponsor must initiate

Project Cooperation Agreement discussions, complete the final project design, and develop contract award documents. I have requested a modest funding level of \$255,000 to carry out these tasks. Unfortunately, no funds were provided in the House or Senate bills.

I believe it is important to take action on this issue immediately. Navigation channel restrictions in Brunswick have cost shippers and consumers a significant amount in lost revenue. The current controlled depth of 30 feet subjects 57 percent of the vessels to tidal delays, sub-optimal loading and inefficient port rotations. In fact, it is estimated that these delays result in an annual loss of \$6.65 million in revenue. We can avoid incurring these losses another year by providing nominal funding to complete the required administrative processes.

I would echo the remarks of the Committee's report language which notes the importance of our waterways and harbors to our national transportation system. The Port of Brunswick plays an integral role in supporting the maritime transportation arm of our national infrastructure. Additionally, I would say that the Port of Brunswick is very much an intermodal facility. Brunswick is well-connected to our nation's system of highways and railroads, providing increased opportunities for commercial transportation.

I will go one step further in stating that the Port of Brunswick is not only important to our national transportation system, but it is important to our national defense. Located between Savannah and Jacksonville, Brunswick is readily accessible to the numerous military installations in the region. As a member of the Senate Armed Services Committee, and as a former Army Officer, I know very well the need to move troops, tanks, and supplies as rapidly as possible. During a war, more than 95 percent of all the equipment and supplies needed to sustain the U.S. military are carried by sea. The potential for the Port of Brunswick to play a major role in the movement of military cargo must not be overlooked, nor must it be hindered by administrative delays.

I understand the tight budget restraints the Subcommittee faces this year, and I respect the fact that there will be no "new start" projects appropriated. However, we are not attempting to start dredging in Brunswick. We are simply trying to complete the administrative requirements which are necessary prior to such action. I appeal to my colleagues to help me keep the Brunswick Harbor deepening project on schedule through the inclusion of funds in Conference with the House. In fact, I believe we can proceed with the Project Cooperation Agreement, the final project design, and the development of contract awards if the Conference Committee were to simply in-

clude favorable report language to this effect. I thank my distinguished colleagues, and I yield the floor.

Mr. MILLER. I, too, would like to offer a few comments relative to the Brunswick Harbor deepening project. Although I have been a member of the Senate for only a short while, I certainly understand the importance of this project and I fully support the inclusion of funds to keep it on schedule. Brunswick handles cargoes important to the region such as grain, gypsum, limestone, perlite, potash, oats, wood pulp, and motor vehicles. As the region has grown, so has the size of the vessels calling on the Port. I am very concerned that if we further delay the deepening project, we run the risk of hindering economic growth. This concern is underscored by the fact that the number of operational delays has increased by 36 percent since 1984. I believe that it is essential to stay the course and keep the project on schedule, and I join my colleague in urging the inclusion of \$255,000 to support the administrative tasks which must be completed this year.

Mr. REID. I thank the Senators from Georgia. I share your concern for the funding of this important project, and I assure you that I will give this project due consideration in conference with the House. Should additional funds become available, as I hope they will, the Brunswick Harbor Deepening Project will be one of my chief priorities, and I will support the inclusion of the report language sought by the Georgia Senators.

BONNEVILLE POWER ADMINISTRATION

Mr. DOMENICI. Mr. President, I see the senior Senator from Washington, Senator GORTON, on the floor. Our committee report on this bill includes language he recommended relative to the particular challenges the Bonneville Power Administration status as a Federal agency presents to the BPA in its possible participation in a regional transmission organization. Our report acknowledges that certain steps may need to be taken to mitigate impacts on BPA employees, and that legislation may be necessary. I understand that the Senator from Washington would like to comment further on this issue.

Mr. GORTON. Mr. President, I thank the chairman. I appreciate his interest in this matter and his willingness to consider legislative remedies, should they become necessary. I only want to make clear for the record that if administrative remedies are insufficient to protect the rights and benefits of BPA employees should they move into a new regional transmission organization, then any legislative remedy that might be proposed will be developed in full consultation with other stakeholders in the region and other participants in the RTO. Since any legislation that may be developed may very well be carried as an administrative provi-

sion in this bill, I wanted to be sure the manager knew that this is my intent.

Mr. DOMENICI. I appreciate that elaboration, Mr. President, and look forward to working with Senator GORTON on this issue of great interest to his constituents.

FERNALD ENVIRONMENTAL MANAGEMENT PROJECT

Mr. DEWINE. Mr. President, I would like to engage the distinguished Senator from New Mexico, and floor manager of the pending bill, Senator DOMENICI in a colloquy.

Mr. DOMENICI. I would be pleased to respond to the distinguished Senator from Ohio, Senator DEWINE.

Mr. DEWINE. I thank the Senator. Senator, last year we discussed the tremendous progress being made at the Fernald Site in my home state of Ohio. It is in many ways a model of what can be done to safely and effectively clean-up a former weapons production site left from the cold war. The Fernald site is poised to be the first major DOE site to be cleaned-up and in effect 'taken off the books.' Wouldn't the Senator agree that this effort deserves both our appreciation and support?

Mr. DOMENICI. Absolutely, I concur with the Senator.

Mr. DEWINE. I thank the Chairman. In the event that additional resources become available, I ask the chairman to help secure additional resources for the Fernald project to ensure that the pace of closing the site by 2006 is assured. I further ask the Chairman if he would support my call to the DOE to make an expeditious decision concerning the site contractor. There is no competition—the site is running smoothly—let's give them the resources they need and demonstrate that at least one project can be completed on budget and on schedule without any further delays.

Mr. DOMENICI. The Committee once again recognizes the outstanding contributions of the entire effort at the Fernald site—workers, community leaders, and regulators. We will try to support the Senators request and encourage the DOE to make an expeditious decision concerning the pending contract.

Mr. ALLARD. Mr. President, I would like to briefly engage Senator DOMENICI, Chairman of the Energy and Water Appropriations Subcommittee on an important energy issue.

Mr. DOMENICI. I would be happy to oblige the Senator from Colorado.

Mr. ALLARD. Thank you Mr. Chairman. Mr. President, I would like to thank Senator DOMENICI for his hard work on this important bill. In particular I would like to thank him for his actions in response to requests by many, including this Senator, on behalf of renewable energy. These funds will go far to help in many areas of science, the environment, national security and the economy. On a related

topic, I wonder if I could briefly discuss the Consortium for Plant Biotechnology Research (CPBR) with the Chairman.

Mr. DOMENICI. I would inform the Senator from Colorado that I am aware of CPBR's work and would be happy to address the Senator on this topic.

Mr. ALLARD. As I'm sure the Chairman knows, research that has been undertaken by CPBR's member universities, including the University of Colorado, in conjunction with the Department of Energy has led to improved biomass energy technologies that help develop a competitive biomass-based energy industry and a safer, cleaner environment.

Mr. DOMENICI. I appreciate the words of the Senator from Colorado and would note that New Mexico State University is an important partner in the consortium. Unfortunately, due to our subcommittee allocation, there was not enough room in the Senate mark to cover many good programs and projects.

Mr. ALLARD. Mr. President, I thank the Chairman for his time and would encourage him to consider the important work of CPBR when this bill moves to conference with the other body.

GENERAL INVESTIGATIONS ACTIVITIES OF THE
CORPS OF ENGINEERS

Mr. WARNER. Mr. President, I would like to engage in a colloquy with the Chairman of the Energy and Water Development Appropriations Subcommittee regarding the General Investigations Activities of the Corps of Engineers.

The Corps of Engineers is authorized to repair the Goshen Dam/Spillway system on Lake Merriweather in Rockbridge, Virginia. This dam is classified as a "high hazard" dam according to the Federal Dam Safety Guidelines because its failure threatens the downstream community of Wilson Springs. The Corps has completed a Technical Report on the engineering and design specifications for the project's repairs and upgrades.

The House passed bill includes \$150,000 for further planning and design activities for this important project. I call this situation to the attention of the Chairman and respectfully request that he give favorable consideration to this matter in conference.

Mr. DOMENICI. I thank Senator WARNER for bringing this matter to my attention. I am aware that this facility is utilized by the National Capital Area Boy Scouts organization. It is important that the non-federal sponsor finance their share of the costs of these safety repairs and I am aware that the Commonwealth of Virginia may become the non-federal sponsor.

I know how important this project is to the Senator and I will give it full consideration during Conference.

DELTA REGIONAL AUTHORITY

Mr. COCHRAN. Mr. President, the Mississippi River Delta possesses many common characteristics and unique problems throughout the 7-state alluvial floodplain which it encompasses. The subcommittee report includes funding for a new Delta Regional Authority, an economic development effort aimed at extending special help to an area of the country that I have long considered to be a special part of my state and this nation.

I am concerned that many of the real needs in the region never feel the full impact of federal assistance efforts because of the centrally-planned and bureaucratic delivery systems which accompanied some of these initiatives. Because of this history, the people of the region have become skeptical about new election year promises of federal assistance.

I would like to ask the distinguished chairman of the subcommittee for clarification of the intent and purpose of this funding. First, how is the Delta defined for purpose of extending this proposed federal assistance?

Mr. DOMENICI. The provisions included in the bill do not specifically define the Delta.

Mr. COCHRAN. The historical Delta area is the Mississippi Alluvial Valley, which includes only small portions of Tennessee and Kentucky, the typically flat and gently-sloping land of eastern Louisiana and Arkansas, Northwest Mississippi, the boot-heel of Missouri, and the Cache River lowlands of Illinois. Is it the Committee's intent that the Delta, for purposes of the federal assistance in this appropriation measure, be defined as that land which underlies those communities, counties, parishes and part-counties, which are geographically delineated by the topography commonly recognized as the Delta alluvial floodplain?

Mr. DOMENICI. Yes. It is my understanding that this is the area suffering most in terms of economic distress.

Mr. COCHRAN. As the distinguished chairman knows, the Delta suffers from an acute need for infrastructure development that inhibits economic growth.

In the Report to Congress by the Lower Mississippi Delta Development Commission, which was co-chaired by then-Governor Bill Clinton of Arkansas, the Commission stressed that the ten-year goal of any plan to assist the Delta should emphasize, and I quote from page 92 of this report, "every Delta resident will have access to adequate water and sewer, fire protection, flood control, roads, streets, and bridges, to improve the quality of life and provide for economic growth and development."

Although there are many very important needs in the Mississippi River Delta region which are unique to that area, better roads, educational en-

hancements, protection from floods, natural resource conservation and equipment and instruction support for workforce training ought to be the primary focus of this funding.

There are existing and proven delivery systems for these purpose which have the benefit of local planning and priority-setting by the people who reside in the Delta.

Is it the intent of this committee that this funding be utilized in this way for these purposes?

Mr. DOMENICI. Yes, Senator, In fact, it is the interest of the subcommittee to bring this federal support to the Mississippi River Delta region in the most timely and cost-efficient manner. It is my understanding that much like in your own State of Mississippi, the other six states have similar delivery systems in place through their local community colleges, universities, departments of transportation, and water resource agencies that should be used as the primary vehicles through which these funds are properly administered to provide the greatest regional impact.

Mr. COCHRAN. I appreciate the Chairman's response. Delta communities in my state have been unable to provide their local cost-share for rural water and sewer projects, road and railroad improvement projects, drainage and flood protection projects, and other developments that are fundamental to a viable, local economy because they simply cannot afford the match. Unlike more affluent areas which can take full advantage of the federal cost-sharing programs such as this, the Delta typically lags behind even further. Is it the Chairman's view that these funds could be used as a local match for other federal programs?

Mr. DOMENICI. I agree with your view that these funds could utilized for the type of infrastructure support you have described. If distressed communities in the Mississippi River Delta region are struggling to qualify for federal assistance due to their inability to provide the local match for infrastructure improvements, I think it should be one of the highest priorities for these funds to be applied in this way.

Mr. COCHRAN. I thank my friend from New Mexico and I appreciate your support for the use of this funding through existing delivery systems to provide needed assistance to the Delta.

FEDERAL POWER MARKETING ADMINISTRATIONS
AND REGIONAL TRANSMISSION ORGANIZATIONS

Mr. CRAIG. Mr. President, I would like to engage in a colloquy with the Chairman of the Energy and Water Development Appropriations Subcommittee and the senior Senator from Washington to clarify the intent of legislative language in Section 319 of H.R. 4733.

Mr. DOMENICI. Mr. President, I would be pleased to discuss this provision with my friend, the Senator from Idaho.

Mr. GORTON. As would I, Mr. President.

Mr. CRAIG. Mr. President, one of the Power Marketing Administrations, the Bonneville Power Administration (BPA) is working with other transmission-owning electric utilities to file a document with the Federal Energy Regulatory Commission in October evidencing an intent to form a regional transmission organization in the Northwest. It is my understanding that this language would give BPA the authority to engage in the activities necessary to making that filing. Is that correct?

Mr. DOMENICI. Mr. President, the Senator from Idaho is correct.

Mr. GORTON. I concur, Mr. President.

Mr. CRAIG. It is also my understanding that the Department of Energy is currently of the opinion that no further legislation would be needed in order for BPA to actually participate in a Northwest regional transmission organization. However, issues may arise as a result of the October filing, or otherwise, that would necessitate further legislation before BPA participates in the Northwest regional transmission organization. If such legislation is necessary, would the Chairman and the Senator from Washington be willing to work with me to enact it expeditiously, so as to not delay the actual operation of the Northwest regional transmission organization?

Mr. DOMENICI. I would be pleased to work with the Senator from Idaho, the Senator from Washington, and other members of the Northwest delegation to assure expeditious enactment of any such necessary legislation.

Mr. GORTON. I too, am committed to prompt enactment of such legislation, if needed. I think it is crucial that Congress facilitate, rather than impede or delay, the formation of a regional transmission organization for the Northwest.

Mr. CRAIG. I thank the Senators.

CHANNEL DEEPENING

Mr. SCHUMER. Mr. President, I have an amendment to the Fiscal Year 2001 Energy and Water Appropriations bill prepared on behalf of myself, Senator MOYNIHAN, Senator LAUTENBERG, and Senator TORRICELLI, that would dedicate \$53 million and \$5 million, respectively, for the Kill van Kull and Arthur Kill channel deepening projects in the Port of New York and New Jersey. These are the amounts that the President's Budget requests for the vital navigation projects. I will withhold from offering the amendment at this time.

I would just like to ask the Chairman and ranking Member, who are working hard to stay within their allocations, if

they agree that the redevelopment of the Port of New York and New Jersey to accommodate modern container vessels is in the national interest. I would also like to inquire whether they will grant both of these projects priority consideration in the event that additional funds become available under the Army Corps accounts.

Mr. REID. I would agree with the Senator from New York that the authorized Federal navigation projects for the Port of New York and New Jersey are in the national interest, and that both the Kill van Kull and Arthur Kill projects should receive priority consideration if additional general construction funding for the Army Corps of Engineers becomes available.

IMPROVEMENTS ON THE MISSISSIPPI

Mr. GRAMS. Mr. President. I would like to engage the distinguished Chairman of the Subcommittee in a brief colloquy on an extremely important public safety project in St. Paul, Minnesota. As the Chairman may recall, I have been a strong proponent of \$3,000,000 in Federal funding for the Mississippi Place project in downtown St. Paul. Not surprisingly, I am quite disappointed that the Committee was unable to accommodate requests to initiate work on recently authorized projects.

This project, authorized in the Water Resources Development Act of 1999, entails much needed improvements to the Mississippi River shoreline. For the past 100 years, this shoreline was virtually inaccessible to residents of St. Paul, cut off by a major parkway, industrial property and a main rail line. However, much has changed in the last five years, and the community now finds itself with an unprecedented opportunity to re-establish a physical connection to the Mississippi River. The industrial property has been converted into a new Science Museum and parkland, the parkway has been realigned and the rail lines have been regraded.

As envisioned by the Corps, the project will consist of a series of improvements to a section of river which contains some of the strongest currents on the Upper Mississippi. The need to initiate prompt work on the project led the Minnesota State Legislature to allocate \$3,000,000 in state matching funds to the 2000 Bonding Bill signed by the Governor. An additional \$3,000,000 in funding from local and other sources will be made available for parklands, trails and other amenities. All told, the community has pledged two thirds of the funding required for the project, far in excess of what is required by law.

But the most important work of all is the Corps portion along the shoreline, work which is critical to keeping the public (including 1.5 million annual visitors at the new Science Museum of Minnesota) away from the fast moving

current. Without the funding I have requested from the Committee, this project will not be initiated.

Mr. President, could the distinguished Chairman provide me with his views on the upcoming conference with the House on this legislation, with particular emphasis on the funding which I am seeking for this project?

Mr. DOMENICI. Mr. President, I would be pleased to respond to the Senator's question. As my good friend pointed out, the funding allocation for the Energy and Water Subcommittee for fiscal year 2001 did not afford us the luxury of initiating new construction projects. However, I am aware of the Senator's strong support and interest in this project and, should the subcommittee receive sufficient additional budgetary resources, I will assure my colleague that the project outlined by the Senator would certainly be considered along with numerous other projects which have been brought to the subcommittee's attention.

OBJECTIONABLE PROVISIONS

Mr. MCCAIN. Mr. President, the energy and water appropriations bill is fundamental to our nation's energy and defense related activities, and takes care of vitally important water resources infrastructure needs. My colleagues are aware that I am a strong defender of our national security which is, in part, funded through this bill. Taking care of our national energy needs is also high in priority to our taxpaying constituents who are concerned about ever-increasing gas and energy prices.

That is why I am disappointed to report that this year's bill once again fails to fulfill our responsibility to American taxpayers to expend their tax dollars in a wise and prudent fashion that addresses the nation's most critical needs. Instead, included in this year's bill and its accompanying Senate report is \$508 million in unrequested and low-priority earmarks. A number of legislative riders are also added which will effectively prevent a fair and deliberative consideration of certain issues that should be determined in a legislative review through the appropriate Congressional committees.

I recognize the hard work that the managers of this bill have put into moving this measure through the Senate. I thank them for their tireless efforts and appreciate that their jobs have not been easy. However, I must repeat a criticism I have made many times during consideration of appropriations bills and will continue to make as long as the practice of earmarking continues—this bill inappropriately singles out projects for funding based on criteria other than need and national priority.

This year, earmarks account for more than \$508 million in funding for local projects contained in the bill and

the committee report. Yet, we have no way of knowing whether, at best, all or part of this \$508 million should have been spent on different projects with greater national need or, at worst, should not have been spent at all.

Various projects are provided with additional funding at levels higher than requested by the administration. The stated reasons include the desire to finish some projects in a reasonable time-frame. Unfortunately, other projects are put on hold or on a slower track. The inconsistency between the administration's request, which is responsible for carrying out these projects, and the views of the appropriators on just how much funding should be dedicated to a project, is troubling. As a result, various other projects that may be equally deserving or higher in priority do not receive an appropriate amount of funding, or none at all. Many of my objections are based on these types of inconsistencies and nebulous spending practices.

Our current system of earmarking in order to fund national projects is fundamentally flawed. I hope that we will soon develop a better system, one which allows the projects with the greatest national needs to be funded first.

I remind my colleagues that I object to these earmarks on the basis of their circumvention of our established process, which is to properly consider, authorize and fund projects based on merit and need.

Although I was not present to vote on final passage of this bill, I wish to state for the record that I would have voted against this bill because this is not the honorable way to carry out our fiscal responsibilities.

I reviewed this bill and report very closely and compiled a list of objectionable provisions in H.R. 4733 and its accompanying Senate report. This list is too lengthy to be included in the RECORD, but it will be available from my Senate office.

RENEWABLE ENERGY

Ms. COLLINS. Mr. President, earlier this year I joined many of my colleagues in signing a letter supporting increased funding for renewable energy. I am pleased today to see that the subcommittee on Energy and Water Appropriations has honored our request with an \$82 million increase in renewable energy funding, raising the total from \$362 million to \$444 million. That this substantial 23 percent increase occurred under severe budgetary pressures makes it all the more commendable. I thank Chairman DOMENICI and Senator REID for their efforts in producing this bill.

At no time has investment in renewable energy research and development been more important. As we have seen over and over again, even a slight imbalance between supply and demand can lead to rapidly escalating energy

prices. Last winter, disruptions in oil supply caused great hardship to Mainers who depend on home heating oil. Mainers are also suffering at the pumps from gasoline and diesel prices that hit their highest levels in decades. People across the nation are further suffering from more and more frequent spikes in the price of natural gas and electricity.

Unless we act to diversify our energy supply, this volatility is only likely to grow worse. For example, United States currently imports slightly over half of its oil. In less than 20 years, this number is expected to grow to 70 percent. Unless we are content to live under the perpetual threat of energy disruptions from Middle East energy barons or other forces beyond our control, we must diversify our energy supply. While renewable energy will not provide the whole answer, it holds the potential to help stabilize energy prices and to provide us with an increased level of energy security. By investing in renewable energy research and development, we enhance fuel and technology diversity and help provide the United States with insulation from future energy shocks.

Investments in renewable energy have many other benefits as well. These investments increase the U.S. market share of the growing domestic and international markets for energy-supply products and permit the expansion of high technology jobs within the U.S. economy. Research in biomass and biofuels helps farmers and foresters by creating valuable new uses for agricultural products. Renewable energy has important military applications and is currently used on many remote military bases. The funds contained in this bill will also lead to improvements in distributed generation, energy storage, and reliability of the electric grid. Finally, renewable are bringing extra income to many farmers and local communities across the Nation.

My home State of Maine is a leader in renewable energy production and technology. In fact nearly 30 percent of our electricity comes from renewable energy generated in Maine. Central Maine Power is selling renewable energy from biomass to green markets in other states. And just next month, Endless Energy will be putting in a brand new wind turbine at a blueberry farm in Orland. This turbine was made possible in part by the renewable energy investments that I supported last year.

I again thank Senators DOMENICI and REID for providing the increase in renewable energy investments that I and many of my colleagues in the U.S. Senate had asked for. This is a down-payment on future energy diversity and a sound economy.

RED LAKE RIVER FLOOD CONTROL

Mr. GRAMS. Mr. President, I had intended to offer an amendment that

would have provided \$1 million in funding for the Red Lake River Flood Control Project at Crookston, Minnesota. This is a high priority of mine, and I regret the Committee's inability to fund new start construction projects. I understand there may be more flexibility to fund new starts in conference, and I want to continue to work with Chairman DOMENICI at that time to ensure funds are available to begin construction of this important project.

Communities in the Red River Valley in Northwestern Minnesota have suffered some of the worst flooding in our nation's history during 1997. Many Americans watched the television coverage of Grand Forks, North Dakota and saw the burning buildings which destroyed a city block, all in a sea of water. But just across the Red River, on the Minnesota side, is East Grand Forks, a town of nearly 10,000 people that had no water, no electricity, and no sewer system.

This disastrous flooding has severely disrupted the lives of many, many Minnesotans. Dreams of enjoying warm, spring weather after a brutally long Minnesota winter were replaced with efforts to ensure families and communities were safe, and that adequate food, water, and shelter was available.

Just 22 short miles east of East Grand Forks is the community of Crookston. Fortunately, through hard work and some luck, Crookston escaped major flooding in 1997. But Crookston's luck may not hold. The Red Lake River has flooded Crookston in the past, and without improved flood protection, it will flood the city again. The city has experienced severe flooding as a result of the topography of the land, as well as agriculture drainage, loss of wetlands, and the construction of county ditch systems. In fact, all of which have altered the flow of water adding to the risk of flooding. The threat to life and property in Crookston has increased since the 1950 flood when many homes were destroyed. The city has constructed levees between 1950 and 1965, but these levees are seriously deteriorating.

Mr. President, there is a plan for flood protection in Crookston. City planners have suggested a combination of channel cuts and dikes. The channel cuts would allow water to flow more quickly through town. The dikes would hold back flood water.

The city needs federal funding for this project. Already, the State of Minnesota has appropriated \$3.3 million for Crookston for the dual purpose of providing funds to match the pending federal money, and to buy out homes in preparation for construction of the project. Local contributions, thus far, have exceeded \$1.5 million, a third of which was used to meet the 50% federal requirement for the feasibility study, and the remainder is to be used as a

part of the local match for the construction of the project that was authorized in the Water Resources Development Act of 1999. The cost benefit ratio for the project was determined in the Corps' feasibility study to be 1.6, far exceeding the federal requirement of a 1:1 cost benefit ratio for flood prevention projects.

It is my understanding that the city has met every requirement, cooperated with the Corps, and done everything asked of them to ensure the federal funding they expected after the authorization.

I want to commend the leadership of Mayor Don Osborne, members of the city council and city engineers in working on this important flood control project for their community. It is my hope that federal funding for this project be achieved so that work can begin to provide essential flood protection for the people of Crookston.

I urge the support of conferees for this amendment.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I am joined by my colleague from Alaska, Senator MURKOWSKI, in thanking the managers of this bill for accepting an amendment important to the residents of Kake, Alaska.

The city of Kake is a predominantly Tlingit Indian community of 850 located on Kupreanof Island in a remote section of southeast Alaska.

Since the recent collapse of the timber industry in southeast Alaska, Kake's economy has been almost entirely reliant on a local salmon hatchery and a seafood processing plant.

The city water was supplied by the Gunnuk Creek Dam, a wooden dam built in 1946 by the Civilian Conservation Corps (CCC) at a cost of approximately \$1.5 million.

In late July, after three days of severe storms dumped approximately 24 inches of rain, several logs swept across Kake's water reservoir and gouged an 18-foot by 12-foot hole in the 54 year old dam. The reservoir emptied and within minutes Kake's residents, hatchery, fish processing plant, general store, city offices, school, and fire department were without water. For the next 10 days, residents were forced to boil water before they could drink it. On August 10, the governor of Alaska issued a disaster declaration for Kake.

As an interim measure, small pumps have been installed in Gunnuk Creek to pump water to the filtration plant. Those pumps are highly susceptible to storms, and must be monitored 24 hours per day for debris and wear. The city purchased the small pumps with borrowed money, which must be repaid. Because of lack of water, the salmon hatchery has lost \$2 million to date, primarily in loss of fish and egg harvests for next year's run. Also because of a lack of water, the cold storage plant—the major employer in Kake—

laid off its 70 workers and has lost \$500,000 in business.

Engineers from the Indian Health Service and a private consulting firm have declared the dam a total loss and estimate that \$7 million is needed for a replacement.

The amendment included in this bill would provide the needed funding to replace the dam and I thank my colleagues for their support.

RIO GRANDE

Mr. DOMENICI. Mr. President, my amendment to strike the language in section 204 results from an agreement reached between myself and Interior Secretary Bruce Babbitt to delay implementation of a solicitor's opinion concerning the ownership of water facilities and related use of Rio Grande water, and to work toward a long-term solution to these water issues.

At issue is the relationship between ownership of water facilities and the desire to maintain flows in the Rio Grande.

Secretary Babbitt agreed to refrain from implementing a June 19 Solicitor's opinion, unless agreed to by the parties in litigation and the state engineer, or as permitted by court order.

I committed to work with him to achieve a long-term solution to these complicated water issues, and we agreed the current allocation, ownership and use of water in New Mexico have raised some issues of the greatest magnitude and at this time the most appropriate forum for their resolution is Federal court.

I have moved to strike this language based on the good faith of Secretary Babbitt, and I also note that he agreed to continue to resolve water issues related to the Fort Sumner Irrigation District (FSID) and the Pecos River, recognizing that the FSID and MRGCD facilities have different status.

However, based on our good faith discussions, I will continue to work with him on the Pecos issue, and expect that the Department will not take adverse action against that irrigation district in the meantime.

THE HARDING LAKE WATERSHED STUDY

Mr. STEVENS. Mr. President, I want to thank the managers of the bill for accepting the amendment on behalf of Senator MURKOWSKI and myself to help find a solution to the problem plaguing Harding Lake.

Harding Lake is the largest road accessible lake in the interior of Alaska. It holds significant recreation, fishery, natural resources and economic value for interior Alaska.

In a recent Fairbanks Daily News-Miner article, state officials closed Harding Lake to pike fishing due to dried up spawning grounds.

Harding Lake is suffering from a dramatic drop in water levels.

This drop in water level has impacted the shoreline—in some areas causing a recession of as much as 700 feet.

This loss of water could cause problems with water quality, land use, and fishery harvests.

Residents of Harding Lake, have asked for help in identifying the source of the water loss problem at the lake.

After discussions with the Corps of Engineers and officials at the soil and conservation district, it appears a watershed study and plan is needed to protect the lake from further degradation.

My amendment would provide the necessary funding to begin the watershed study and to develop a comprehensive plan to address the problem.

I thank the managers of the bill for their understanding and for accepting this provision.

Mr. STEVENS. Mr. President, Research into the molecular basis of disease using mouse models of human disease and a miniaturized version of PET (positron emission tomography) called MicroPET currently being conducted at the University of California Los Angeles School of Medicine's Division of Nuclear Medicine offers exciting new possibilities for development of treatments for human disease based on the molecular disorders that cause it.

Among the diseases for which mouse models have already been developed are breast, prostate, lung and colorectal cancers, Parkinson's disease and diabetes. New funding will allow for development of mouse models for lymphoma cancers and dementia/Alzheimer's disease and will allow development of extremely precise molecular diagnostics and molecular therapies.

Added funding will allow development for the next generation of MicroPET imaging technology.

The new technology will combine MicroPET, which measures the biological processes of a body, and MicroCT, which measures a body's anatomical structure into a single device for simultaneous and precise imaging of both biology and structure and will allow for the differential screening of biological, genetic and structural changes caused by disease in living mice.

This will allow researchers to see precisely the effect of new molecular, targeted treatments including gene therapies for a wide range of diseases using human disease genes inserted into mouse models.

Because the mouse models are developed using human disease genes, the added funding for these new technologies and procedures will lead to new means of treating and tracking human disease using clinical PET technology.

The research will lead to the ability to both diagnose disease and track the effect of targeted molecular/genetic therapies on a broad range of serious human diseases.

Mr. BINGAMAN. Mr. President, I would like to address briefly the issue

of funding for the fundamental science and engineering research supported by the Department of Energy.

The DOE is the leading source of federal support for the physical sciences in the nation. Not many people know that, but it is true. DOE and its predecessor agencies developed this broad portfolio of physical sciences research in pursuit of the agency's statutory missions. To understand energy and its myriad transformations, you have to know a lot about the properties of matter, and of energy flows in matter, at a very fundamental level. In order to conserve energy by, for example, running industrial processes at higher temperatures that have greater thermodynamic efficiencies, you have to know a lot about basic materials science. These are research needs that other science agencies, such as the NSF, cannot meet within their missions and funding levels. It's an important reason why we have a Department of Energy, to begin with.

DOE is also a crucial supporter of scientific research in the life sciences. In the life sciences, the DOE initiated the Human Genome Program and commences this enormously important and promising effort with the NIH.

DOE also plays a leading role in supporting other biological sciences, environmental sciences, mathematics, computing, and engineering. In all these areas, its basic research contributions relate to DOE's energy missions.

As a consequence of these research investments, the DOE is responsible for a significant portion of federal R&D funding to scientists and students at our colleges and universities.

In addition to the overall size of DOE's basic science funding, the type of activities that DOE funds has a special character among the federal science agencies. One of the primary responsibilities of DOE's Office of Science is to support large-scale specialized user facilities focussed on national scientific priorities. This particular mission makes the Office of Science unique among, and complementary to, the scientific programs for other federal science agencies, including the NIH and NSF. Each year over 15,000 sponsored scientists and students from academe, industry, and government—many funded by agencies other than the DOE—conduct cutting-edge experiments at the Department's research facilities. Every State in the country has scientists and engineers with a stake in DOE's user facilities.

One of the challenges the Office of Science has faced during the past decade is that its funding has been reduced by approximately 13 percent in constant dollars. Other science agencies, such as NIH, have been growing strongly, while the DOE Office of Science has significantly less funding today, in constant dollars, than 10 years ago.

These reductions have prevented the Office of Science from fully participating in new initiatives in exciting technical areas important to DOE's statutory missions such as high performance computing and nanotechnology. More troublesome, the declining funding for the Office of Science has reduced the number of scientists and students able to conduct research using DOE's national user facilities. In fact, DOE's national and university-based laboratories are currently operating well below their optimum levels, especially in light of growing demand from the scientific community.

DOE's scientific user communities and DOE's own scientific advisory committees have completed a number of reports over the past year to two to put a number on what DOE's science budget should look like, in order to fully take advantage of the scientific opportunities that are out there. They estimated that in FY 2001 alone a funding level of over \$3.3 billion can easily be justified in order to support research and to fully utilize and modernize DOE facilities.

I am mindful that both the Chairman and the Ranking member of this appropriations subcommittee would like to make more money available for DOE's science programs. They have made statements yesterday that they will seek additional funds for the non-defense side of this bill as it moves forward. As they know, Senator FRANK MURKOWSKI, and I are circulating a letter in the Senate for signature by Senators to indicate their support for this goal. It's a letter that I hope strengthens their hand in getting a better allocation as we move forward. The letter is addressed to the bipartisan leadership of the Senate, and is already attracting strong bipartisan support.

I hope that when the Conference Report on this bill is finally written, the FY 2001 funding level for the DOE Office of Science will be no less than the President's request level of \$3.16 billion. I hope that the funding level can be higher, in some areas, if at all possible. And I hope that both the President and Congress will provide significant increases in funding for the DOE Office of Science in future years in order to sustain the Office's steady growth. Such funding increases are merited by the important and unique work being conducted by the DOE Office of Science. The funding increases would also be consistent with the Senate's passage of a bill that both Senator DOMENICI and I were original cosponsors of the Federal Research Investment Act (S. 296) which calls for doubling investment in civilian research and development efforts.

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

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 39, nays 1, as follows:

(Rollcall Vote No. 237 Leg.)

YEAS—93

Abraham	Fitzgerald	Mack
Allard	Frist	McConnell
Ashcroft	Gorton	Mikulski
Bayh	Graham	Miller
Bennett	Gramm	Moynihan
Biden	Grams	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Rockefeller
Burns	Hollings	Roth
Byrd	Hutchinson	Santorum
Campbell	Hutchison	Sarbanes
Chafee L.	Inhofe	Schumer
Cleland	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kennedy	Smith (OR)
Craig	Kerrey	Snowe
Crapo	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Landrieu	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Voivovich
Edwards	Lincoln	Warner
Enzi	Lott	Wellstone
Feingold	Lugar	Wyden

NAYS—1

Baucus

NOT VOTING—6

Akaka	Feinstein	McCain
Boxer	Lieberman	Murkowski

The bill (H.R. 4733), as amended, was passed.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate insists upon its amendments, requests a conference with the House, and the Chair appoints Mr. DOMENICI, Mr. COCHRAN, Mr. GORTON, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. STEVENS, Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. KOHL, Mr. DORGAN, and Mr. INOUE conferees on the part of the Senate.