do a great deal with Canada and Mexico. It seems we ought to be able to exercise a little more influence with the Middle East. Certainly, we have had a lot to do with those countries in the past—being helpful there. I think we can make more of an impact in Venezuela than we have. I think we can support meetings of the G–8 energy ministers, or their equivalent, more often.

Maybe most importantly, we have lots of resources domestically, and instead of making them more difficult to reach, we ought to make it easier. I come from a State that is 50-percent owned by the Federal Government. Of course, there are places such as Yellowstone Park and Teton Park where you are never going to do minerals and should not. Much of that land is Bureau of Land Management land that is not set aside for any particular purpose. It was there when the homestead stopped and was simply residual and became public land. It is more multiple use. We can protect the environment and continue to use it—whether it is for hiking, hunting, grazing, or whether indeed for mineral exploration and production, as we now do.

This administration has made it difficult to do that. We can improve the regulatory process. I not only serve on the Energy Committee, but on the Environment and Public Works Committee. Constantly we are faced with new regulations that make it more difficult, particularly for small refineries, to live within the rules. Many times they just give it up and close those. We can change that. It depends on what we want to do with the policy. It depends on our goals and what we want to do with domestic production and whether or not these kinds of things contribute to the attainment of those goals. It is pretty clear that they don't.

I think we can find ways to establish clear rules to have some nuclear plants that are safe, so they indeed can operate. They are very efficient. We talk about the environment. They are friendly to the environment. We need to do something. Of course, if we are going to do that, as they do in France and the Scandinavian countries, we can recycle the waste, or at least after a number of years we can have a waste storage at Yucca Mountain, NV. This administration has resisted that entirely, as have many Members on the other side of the aisle.

So these are all things that could be done and are being talked about. We are talking about breaching dams. I think everybody wants to look for alternative sources. We ought to use wind and solar. But the fact is that those really generate now about 2 percent of the total usage that we have. Maybe they will do more one of these days. I hope they do. We have some of that in my State as well. As a matter of fact, my business built a building about 20 years ago, and we fixed it up with solar power. I have to admit it didn't work very well. It works better now, and we can continue to make it work better, but it is not the short-term answer to our energy problems.

We can do something with ANWR. I have gone up to the North Slope of Alaska. You can see how they do the very careful extraction. You have to get the caribou out of the way. But you can see what is going on. That can be done. I am confident it can be done.

Those are some of the things that are suggested and which I think ought to have real consideration. It is difficult sometimes to try to reconcile environmental issues. I don't know of anyone who doesn't want to do that. Environmental protection has to be considered, but it doesn't mean you have to do away with access.

Quite frankly, one of the real problems we have in some States is how to use open spaces. We are doing something in my State about protecting the environment and protecting public land. Too many people say you just shouldn't use it for anything at all. When some States, such as Nevada and others, are up as high as 85 percent in Federal ownership, I can tell you it is impossible to have an economy in those States and take that attitude. On the other hand, I am persuaded that we can have reasonable kinds of programs that allow multiple use and at the same time protect the future use of those lands. It seems to me those are the kinds of things we ought to be doing.

It is very difficult. It is certainly easy to set energy policy back, particularly when the price has gone up as it has. I think all of us remember a year or so ago when the price at the gas pump was down as low as 86 cents a gallon. Now in my State it is as high as $1.60. You think about it a lot more when it is $1.60 than when it is 86 cents. We didn't complain much about the producers then. But now we are pretty critical. We need a policy.

That is the opportunity we have in this Congress—to really establish some of the byways and roadways to help us achieve a reduction on our dependency on foreign oil. We need to move toward changes in consumption and in the way we travel. I have no objection to that. The fact is, that is going to take time. The economy, the prosperity, and the security of this country depends a great deal on an ample and available energy source. It requires an energy policy. It requires the administration to step up to the plate and work with this Congress to continue to work to establish an energy policy.

That is our task. That is our challenge. I think it is a necessary movement in order to continue to have freedom and economic prosperity.

I yield the floor. 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. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. DASCHLE. Madam President, we are about to cast a vote at 5:30. I think in many ways this is a very difficult situation. I come to the floor this afternoon expressing my gratitude to the distinguished chair of the Energy and Water Subcommittee and certainly to the ranking member, the Senator from Nevada, our extraordinary assistant Democratic leader, for the great work they have done in responding to many of the issues and concerns that our colleagues have raised. I think in large measure it is a very balanced bill.

Unfortunately, we were unable to resolve what is a very significant matter relating to the Missouri River and the precedent that it sets for all rivers. The Corps of Engineers must, from time to time, update the master manual for the rivers that it manages. Unfortunately, some of our colleagues on the other side of the aisle have indicated that they were unwilling to compromise with regard to finding a way they could address their concerns without calling a complete halt to a multiyear process that has been underway to revise and update a master manual that is now over 40 years old. That is the issue: a manual that affects thousands of miles of river, hundreds of thousands, if not billions, of dollars of revenue generated from hydroelectric power, navigation, irrigation, municipal water, and bank stabilization.

There is perhaps no more complicated management challenge than the one affecting the Missouri and, for that matter, the Mississippi Rivers.

So our challenge has been to address the concerns of the two Senators from Missouri in a way that recognizes their legitimate questions regarding the Corps' intent on management, and also to recognize that there are stretches of the river both affecting the Mississippi in downstream States as well as all of the upstream States that also must be addressed, that also have to be worked out, that have to be recognized and achieved in some way.

We have gone to our distinguished colleagues on the other side on a number of occasions indicating a willingness to compromise, indicating a willingness to sit down to try to find a way to resolve this matter. I must say, we have been rebuffed at every one of those efforts. So we are left today with no choice.

What I hope will happen is that we can vote in opposition to the bill in numbers sufficient enough to indicate our ability to sustain a veto; the President will then veto this legislation, as he has now noted publicly and privately on several occasions; and that we come down together to the White House, or anywhere else, work out a

compromise, work out some suitable solution that accommodates the Senators from Missouri as well as all other Senators on the river. That is all we are asking.

It is unfortunate that it has to come to this, to a veto. I warned that it would if we were not able to resolve it. I am disappointed we are now at a point where that appears to be the only option available to us.

Before he came to the floor, I publicly commended the chair of the Energy and Water Subcommittee for his work. And I will say so privately to my colleagues that what he has done and what the ranking member has done is laudable and ought to be supported. But the overriding concern is a concern that has been addressed now on several occasions. It was my hope that it was a concern that could have been addressed in a way that would have avoided the need for a veto. Unfortunately, that is not the case. So we are left with no choice, Madam President. I regret that fact.

I hope that my colleagues will understand that this legislation is important. I hope after the veto, after it is sustained—if that is required—we can go back, get to work, and find the compromise that I have been seeking now for weeks, and find a way with which to move this legislation along.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Could I make a parliamentary inquiry?

Are we scheduled by unanimous consent to vote at 5:30 on the conference report?

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. Madam President, will the Senator from New Mexico yield?

Mr. DOMENICI. I am pleased to yield.

Mr. DASCHLE. As I understand it, the senior Senator from Montana would like a minute or two to talk on this subject. Perhaps it would be better for him to do it now, and then you could close the debate, if that would be appropriate.

Mr. DOMENICI. I was just going to ask. I saw him on the floor and he mentioned he might want to speak. I need about 6 minutes, so could you take the intervening time before the 6 minutes?

Mr. BAUCUS. I say to my colleague, I need only 5 or 6 minutes.

Mr. DOMENICI. I only need about 6 minutes. I will yield the rest to the Senator.

Mr. BAUCUS. I inquire of the minority leader and the Senator from New Mexico if we could get perhaps an extra 5 minutes before the vote.

Mr. DASCHLE. Madam President, it appears we have 10 minutes remaining before the vote.

I ask unanimous consent that the vote occur at 5:32 and the time be equally divided.

Mr. DOMENICI. Thank you.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I strongly urge my colleagues to vote against adoption of the Conference Report for the Energy and Water Appropriations. Section 103 is an anti-environmental rider that prevents the sound management of the Missouri River.

As my colleagues will recall, during Senate consideration of this bill last month, Senator DASCHLE and I proposed to delete this provision. Unfortunately we were not successful.

Now, rather than attempting to work out a compromise, the conferees have included the very same language in the conference report before us tonight.

I will not repeat all of the arguments made in the earlier debate about why this amendment is bad for the river and the people of my state. The important point is, nothing has changed from that debate and the need to remove this rider remains as true today as it did then.

First, the Army Corps of Engineers is managing the Missouri River on the basis of a master manual that was written in 1960 and hasn't changed much since then.

Today, conditions are much different. Priorities are different.

Under the current master manual—40 years old—water levels in Ft. Peck lake are often drawn down in the summer months, largely to support barge traffic downstream, which is an industry that is dying and, according to the Corps' own analysis, has much less economic value than the recreation value upstream.

These drawdowns have occurred time and time again. Their effect is devastating: Moving ramps to put boats in the lake a mile away, severely curtail boating and fishing that are enjoyed by thousands of Montanans and tourists alike. They also reduce the numbers of walleye, sturgeon, and other fish.

The drawdowns are the big reason why eastern Montana has been getting an economic raw deal for years. More balanced management of the Missouri River, which takes better account of upstream economic benefits, is absolutely critical to reviving the economy in that part of our State.

Now there has been some talk that the proposed split season will affect hydropower production. While detailed studies are not yet complete, in fact, the Corps estimates that the split season will have ''essentially no impact to the total hydropower benefits.'' So there really should be no doubt. The split season is a better deal for Montana. It is a better deal for the whole river.

Of course, this rider is about more than just Ft. Peck.

It also prevents the Corps of Engineers from obeying the law of the land. Specifically, the Endangered Species Act.

If we create a loophole here, there will be pressure to create another loophole somewhere else. And then another. Before you know it, the law will be shredded into tatters.

We all know the Endangered Species Act is not perfect. I believe we need to reform it so it will work better for landowners and for species.

We are working hard to pass returns, but those reforms haven't passed. So the Endangered Species Act remains the law of the land, and we have to respect it. And so should the Corps.

Forget about the species for a minute. Think about basic fairness. We require private landowners to comply with the Endangered Species Act.

Why should the Federal Government get a free pass?

The answer is, they should not. The Army Corps of Engineers should be held to the same standard as everybody else, and the Corps agrees.

We have a public process in place, to carefully revise the master manual. It's been underway for 10 years.

Now, at the last minute, when the end is in sight, a rider in an appropriations bill would derail the process by taking one of the alternatives right off the table.

That's not fair. It's not right. It's not the way we ought to make this decision.

Instead, we should give the open process that we began ten years ago a chance to work.

We should give people an opportunity to comment on the biological opinion and the environmental impact statement.

So the final decision will not be made in a vacuum.

But this rider makes a mockery of that process. The rider allows for an extensive period for public comment. But then it prohibits the public agencies from acting on those comments.

A better way is to allow the agencies and the affected parties to continue to work together to strike a balance to manage this mighty and beautiful river: for upstream states, for downstream states, and for the protection of endangered species; that is, for all of us.

Mrs. BOXER. Madam President, along with many of my colleagues, I voted in support of an amendment to the energy and water appropriations bill when it moved through the Senate to strike an anti-environment rider from that bill. Unfortunately, that amendment failed and the rider remains in the conference report we consider today.

For that reason, I must vote against this legislation. I understand that the President has indicated that he will veto this legislation because of this antienvironment provision.

The antienvironment rider included in this bill stops changes in the management of the Missouri River called for by existing law. Those changes would ensure that the river is managed not only for navigation, but also for

the benefit of the fish and wildlife that depend on the river for survival.

It is critical that those changes go into effect promptly because without them several endangered species may become extinct.

The Missouri River management changes that this antienvironment rider blocks are called for by a 600-page Fish and Wildlife Service study. The study is itself based upon hundreds of published peer-reviewed studies, and would modify the 40-year-old Corps of Engineers policy of managing the flows of the Missouri River primarily to benefit a $7 million downstream barge industry.

That old Corps policy is largely responsible for the endangerment of three species—the piping plover, the least interior tern, and the pallid sturgeon—that depend upon the river for survival. Two other fish species are also headed toward extinction.

It is very unfortunate that this provision was included in a bill that otherwise has much to commend it.

I appreciate the conferees' hard work in crafting a bill that funds several important California priorities. The Hamilton Wetlands Project funded in this bill would restore approximately 1,000 acres to wetlands and wildlife habitat at Hamilton Army Airfield. The American River Common Elements funded in this bill would result in 24 miles of levee improvements along the American River and 12 miles of improvements along the Sacramento River levees, flood gauges upstream of Folsom Dam, and improvements to the flood warning system along the lower American River. Finally, the Solana Beach-Encinitas Shoreline Feasibility Study funded in this bill would assist both cities in their efforts to battle beach erosion, and would provide needed data for the restoration of these beaches. Projects such as these are extremely important to California.

Because of these and the other benefits of this bill for California, I find it unfortunate that I must vote against this legislation. I do so, however, because a vote for this bill is a vote to support an antienvironment rider that may well lead to the irreversible damage of causing the extinction of several endangered species.

I expect that this legislation will be taken up by the Senate without this rider in the next few weeks, and that we will move forward with important energy and water projects without doing irreversible damage to our environment.

Mr. MCCAIN. Madam President, during a statement I made on the Senate floor today regarding various pork-barrel spending in the final conference report for the FY 2001 energy and water appropriations, I incorrectly referred to a $20 million earmark for the CALFED Bay-Delta restoration project. I was informed by the Senate Energy and Natural Resources Committee that the conference agreement does not include any funding for this specific California project. I wanted to state for the RECORD that I will correct my statement that will be included on my Senate web page and remove this reference to the CALFED project.

Mr. ROBB. Madam President, I intend to vote against the energy and water appropriations conference report this afternoon. I support the vast majority of the bill, in fact, there are a number of projects I have worked for years to have included. But, once again, in addition to those projects, an anti-environmental rider was also attached to this legislation.

The President has announced his intention to veto this bill because of that anti-environmental rider. So we will be back here in the next few days considering this legislation again. And I have been assured that when we take up this legislation again, our Virginia projects will be included, since they are not the subject of the dispute. I hope that in the intervening period, we can remove the rider which would prevent the Corps of Engineers from reviewing its procedures to protect the Missouri river and its environment.

Mr. HARKIN. Madam President, I rise today in continuing concern over the National Ignition Facility, a massive stockpile stewardship facility being built at the Department of Energy's Lawrence Livermore Labs in California. This program has been beset by cost overruns, delays, and poor management. The House in its Energy & Water bill included $74.1 million for construction of NIF. The Senate adopted an amendment I offered that capped spending at the same level, and also requested an independent review of the project from the National Academy of Sciences.

I know the Chairman and Ranking Member of the Subcommittee each have their own concerns about NIF, and I greatly appreciate their efforts to bring this program under control. But frankly I am disappointed in what has come out of conference. The funding for NIF construction has risen from $74 million to $199 million. $74 million in the House, $74 million in the Senate, and $199 million out of conference.

That is a lot of money to spend on a program that is out of control. Projected costs of constructing this facility have almost doubled in the last year. We don't know if the optics will work. We don't know how to design the target. Even if the technical problems are solved, we don't know if the National Ignition Facility will achieve ignition. We don't even know if this facility is needed. DOE's recent ''rebaselining'' specified massive budget increases for NIF for several years, but, despite Congressional requests, did not say where this money would come from or what impact it would have on the stockpile stewardship program.

This is the time to slow down, conduct some independent studies, reconsider how we can best maintain the nuclear weapons stockpile and whether this risky program really is critical to that effort. Instead we are saying full steam ahead.

It is true that part of the money, $69 million, is held back until DOE arranges for studies of some of these issues and certifies that the program is on schedule and on budget. These issues are critical to future Congressional action on NIF. Unfortunately, the bill does not clearly specify who will conduct those studies.

I wish we could entrust DOE with these reviews, but history suggests they have not earned our trust. A recent article in the journal Nature describes ten years of failed peer review on this project: so-called ''independent'' reports that were not independent, that were written by stacked panels with conflicts of interest, that even were edited by project officials. A recent GAO report notes that reviews ''did not discover and report on NIF's fundamental project and engineering problems, bringing into question their comprehensiveness and independence.'' DOE is currently under threat of a second lawsuit regarding violations of the Federal Advisory Committee Act in NIF studies.

We need a truly independent review. I am pleased that the Chairman and Ranking Member agreed to join me in a colloquy on this concern, and hope the studies mandated in this bill will be fully independent and credible. Otherwise, I fear that the $199 million we are appropriating will be poured down a bottomless pit with the $800 million already spent. We've seen this happen too many times, with the Superconducting Supercollider, the Clinch River Breeder Reactor, the Space Station, and on and on. I will continue to strive to protect our taxpayers, keep our nuclear stockpile safe, and end wasteful spending on NIF before more billions are spent.

Mr. ASHCROFT. Madam President, I rise today in support of the conference report on the energy and water appropriations bill. This is a very important bill, for it contains a provision that will protect the citizens of Missouri from a risky Administration scheme to flood the Missouri River Basin. Section 103 of this bill is a provision that is necessary for the millions of Americans who live and work along the Missouri and Mississippi Rivers. This is the section of the bill that was subject to an amendment to strike when the Senate considered this legislation on September 7, 2000. The Senate defeated the attempt to strike at that time, and I want to thank the subcommittee chairman, Senator DOMENICI, for maintaining Section 103 in the conference report now before us.

Madam President, as you know, the use of the Missouri River is governed by what is known as the Missouri River Master Manual. Right now, there is an effort underway to update that manual. The specific issue that is at the crux of the debate over Section 103 is what is called a spring rise. A spring rise, in this case, is a release of huge

amounts of water from above Gavins Point Dam on the Nebraska-South Dakota border during the flood-prone spring months.

In an effort to protect the habitat of the pallid sturgeon, the least tern, and the piping plover, the U.S. Fish and Wildlife Service issued an ultimatum to the Army Corps of Engineers insisting that the Corps immediately agree to its demand for a spring rise. The Corps was given one week to respond to the request of Fish and Wildlife for immediate implementation of a spring rise. The Corps' response was a rejection of the spring rise proposal, and they called for further study of the effect of the spring rise.

The language in section 103 will allow for the studies the Corps recommends. Section 103, inserted in the bill during the subcommittee markup, is a commonsense provision that states in its entirety:

None of the funds made available in this act may be used to revise the Missouri River Master Water Control Manual if such provisions provide for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

This policy—this exact language—has been included in the last four energy and water appropriations bills, all of which the President signed without opposition. Let's look at the support that the Energy and Water appropriations bills, with the exact same language, have enjoyed in the past.

In October, 1995, the Senate agreed to the energy and water appropriations conference report by a bipartisan vote of 89–6.

In September, 1996, the Senate agreed to the energy and water appropriations conference report by a bipartisan vote of 92–8.

In September, 1998, the Senate agreed to the energy and water appropriations conference report by unanimous consent.

In September, 1999, the Senate agreed to the energy and water appropriations conference report by a bipartisan vote of 96–3.

In addition, this year, the Senate voted 93–1 in favor of final passage of the energy and water appropriations bill on September 7, 2000, following the defeat of the amendment to strike Section 103.

This lengthy record of support is part of the reason I am shocked and astounded to report that last week, the President's Chief of Staff, John Podesta, sent a letter to the Energy and Water Appropriations Subcommittee chairman stating that the President would veto this bill if section 103 is included. In other words, the Clinton-Gore administration is threatening to veto the entire energy and water appropriations bill if it contains language to protect the lives and property of all citizens living and working along the lower Missouri and Mississippi Rivers.

If the President follows through with a veto of the bill, after having signed this provision four times previously, he will be sending a very clear message to the citizens of the Midwest. It is very easy to understand. Unfortunately, it would be very hard to digest and accommodate. But the message would be this: The Clinton-Gore administration is willing to flood downstream communities as part of an unscientific, risky scheme that will hurt, not help, the endangered species it seeks to protect. If that is the message, I wouldn't want to be the messenger.

The President's Chief of Staff, Mr. Podesta, made a number of interesting, yet untrue, claims in his veto threat letter. We have corrected and clarified these points before, but allow me to do so again, in the hope that the administration will reconsider its position when confronted with the real facts on this issue.

First, the administration claims in its veto letter that section 103 would, ''prevent the Corps from carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern, pallid sturgeon, and the piping plover.'' This statement is false.

Under section 103, alternatives can be studied and all alternatives can be implemented—with the exception of a spring rise.

What is ironic is that spring flooding could hurt the wildlife more than it will protect them. And it will do so in a way that will increase the risks of downstream flooding and interferes with the shipment of cargo on our nation's highways.

Dr. Joe Engeln, assistant director of the Missouri Department of Natural Resources, stated in a June 24 letter that there are several major problems with the Fish and Wildlife Service's proposed plan that may have the perverse effect of harming the targeted species rather than helping them.

In his letter, he writes that, ''the higher reservoir levels [that would result from a spring rise] would also reduce the habitat for the terns and plovers that nest along the shorelines of the reservoirs.''

Dr. Engeln also points out that because the plan calls for a significant drop in flow during the summer, predators will be able to reach the islands upon which the terns and plovers nest, giving them access to the young still in the nests.

Second, the administration claims that the Missouri Master Manual is outdated and, ''does not provide and appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river.'' This, also, is untrue.

This administration's plan for ''controlled flood'' or spring rise places every citizen who lives or works downstream from the point of release in jeopardy by disturbing the balance at a time when downstream citizens are most vulnerable to flooding.

Section 103 protects citizens of Missouri and other states from dangerous flooding while allowing for cost efficient transportation of grain and cargo.

Section 103 is supported by bipartisan group representing farmers, manufacturers, labor unions, shippers, citizens and port authorities from 15 Midwest states.

Also supporting Section 103 are major national organizations including the American Farm Bureau, American Waterways associations, National Grange, and the National Soybean Association.

The strong support for Section 103 and against the spring rise undermines the administration's claim that the Master Manual must be immediately changed.

In addition to the illusory argument that the spring rise is necessary to protect endangered species, some advocates of the spring rise claim that this plan is a return to more ''natural flow conditions'' and that the river should be returned to its condition at the time of the Lewis and Clark expedition.

Not only is this unrealistic because the Midwest was barely habitable because of the erratic flooding conditions at that time, according to Dr. Engeln of the Missouri DNR, the proposal would benefit artificial reservoirs at the expense of the river and create flow conditions that have never existed along the river in Iowa, Nebraska, Kansas, and Missouri.

Over 90 organizations representing farmers, shippers, cities, labor unions, and port authorities recently sent a letter to Congress saying: ''The spring rise demanded by the Fish and Wildlife Service is based on the premise that we should 'replicate the natural hydrograph' that was responsible for devastating and deadly floods as well as summertime droughts and even dustbowls.''

I think it is pretty clear that there is not sound science to support some protection of these species. There is a clear disagreement among scientists, and a strong argument that the implementation of this plan would, in fact, damage the capacity of some of these species to continue.

I urge the Senate to support this conference report. I ask the President to rethink his threatened veto and side with the bipartisan consensus to protect the citizens living and working in the lower Missouri River Basin from the Fish and Wildlife Service's plan to flood the region.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I rise to tell the Senate this is a good bill. I hope we will pass it.

The Senate passed this bill 97–1. It went to conference. Obviously, there were some changes made in conference but clearly not significant enough to have somebody vote against this bill.

When the call of the roll occurs, we are going to hear that a number of Senators on the other side of the aisle are

going to vote against the bill. I hope everybody understands that most of them have asked for things in this bill, and they have been granted things in this bill their States desperately need. I don't know how all that will work out, but they are being asked to vote against this because the President of the United States, after signing similar language regarding the Missouri River four different times, has suggested that this year, if it is in this bill, he will veto it.

This bill has taken much work on the defense side; that is, for the nuclear deterrent, nuclear weapons activities of America, and those activities related to it that have to do with nonproliferation. We have done an excellent job in increasing some of the very important work of these National Laboratories and our nuclear defense deterrent, people, equipment, and facilities. Sooner or later many more Senators are going to have to recognize the significance of that part of this bill.

The second part of it has to do with nondefense discretionary appropriations; that is, mostly water and water projects across this great land. Many of them are in here for Senators on the Democrat side of the aisle. We were pleased to work with them on that.

I hope the bill will get sent to the President and we will be able to work something out with reference to the Missouri River. The President indicates now that he doesn't want that paragraph, that provision, so-called section 103, in this bill. I am not going to argue as eloquently as KIT BOND, the Senator from Missouri, did with reference to why that provision should be in the bill. But I can say that a compelling majority of Senators agreed with him when we had a vote on it, and then agreed to vote on final passage which included that.

To make sure everybody understands a little bit about where we have been and where we are going, I will not talk much about this chart, except I will ask that we take a quick look at the orange part of this chart. You see how big that keeps growing while people worry about this bill, and legitimately so. Senator MCCAIN argues that perhaps there are some things in this bill that should not be in it. He may be right.

Let me tell my colleagues, when you have to put something together for a whole House and a whole Senate, sometimes you have to do some things that maybe one Senator wouldn't want done.

This orange shows what is happening to the American budget of late. This is the 2000 estimate, the orange part of the entitlements and interest we pay in our budget for the people. See how it continues to grow. The yellow is the Defense Department. If you will focus for a moment on this purple piece, that number, $319 billion out of a budget of $1.8 trillion, is the 11 appropriations bills that have not yet been passed.

May I point it out again. This is the entitlements plus the interest. This is defense, which has been passed. And this, which you can see from this year to this year to this year, not very big changes compared to the other parts of the budget, this is what the 11 appropriations bills will amount to more or less, including this one.

It means that one-sixth of the Federal budget is at issue when we discuss the 11 appropriations bills that remain. Two of them were defense, and they belong in this portion of the budget. But if you look out, as we try to project 2005 and beyond, to see what keeps growing even though we are paying down the national debt, the entitlement programs keep growing. And the difference in this part, the purple part, is rather insignificant in terms of growth.

This bill is slightly over the President's budget in the nuclear deterrent, nuclear laboratory, nuclear weapons activities, and is slightly over the President on all of the water projects. I failed to mention the science projects that are in this bill, which are nondefense projects. They go on at all of the laboratories, and they are the cutting edge of real science across America—in this bill we are talking about. All of these, this and 11 others, belong in this small amount. Even for those who think it is growing too much, our projections beyond the year 2005 are that it still will be a very small portion of our Federal budget with a very large amount going to entitlements.

I wish I had one more I could predict, the surpluses along here, because I don't believe you need to worry about having adequate surpluses to take care of priorities in the future, to take care of Medicare, prescription drugs, and Medicare reform. Nor do I think there will be a shortage of money, some of which we should give back to the American people before we spend it.

My closing remarks have to do with what should we do with the great surplus the American people are giving us by way of taxes, which they have never paid so much of in the past. I look to the person who had most to do with our great thriving economy, Dr. Alan Greenspan. He mentions three things to us: First, you should put as much of it as you can on the national debt. The second thing is, you should give the people back some of it by way of taxes. That is the second best thing. He comments, ''If you are going to look at the big picture, the worst thing you can do with the surplus for the future of our children and grandchildren is to spend it on new programs.''

So I suggest we all ought to be worried about the future. But today we ought to get an appropriation bill passed. I hope our people will understand that in spite of the plea from the minority leader that you vote against it because of the Missouri language, we can pass it today and see if in the next few days we can work something out with the President if he remains dedicated to vetoing this bill over the one issue of which the Senator from Montana spoke.

Mr. BAUCUS. Madam President, I very much admire the work and the effort the Senator from New Mexico has put into this bill, and I hope after the President vetoes this bill, and it is sustained, we can work out this one problem so we can get the bill passed.

Mr. DOMENICI. I thank the Senator.

Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. DOMENICI. Madam President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah, (Mr. HATCH) and the Senator from Minnesota (Mr. GRAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

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

The result was announced—yeas 57, nays 37, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—57

Abraham	Enzi	Miller
Allard	Fitzgerald	Murkowski
Ashcroft	Frist	Murray
Bennett	Gorton	Nickles
Bingaman	Gramm	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Helms	Shelby
Byrd	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Chafee, L.	Inhofe	Snowe
Cochran	Jeffords	Specter
Collins	Kyl	Stevens
Craig	Lincoln	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Edwards	McConnell	Warner

NAYS—37

Akaka	Feingold	McCain
Baucus	Graham	Mikulski
Bayh	Harkin	Moynihan
Biden	Hollings	Reed
Boxer	Inouye	Reid
Breaux	Johnson	Robb
Bryan	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	
Durbin	Levin	

NOT VOTING—6

Feinstein	Hatch	Lieberman
Grams	Kennedy	Wyden

The conference report was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, we have been working on a number of issues. I want to enter one, and then we will have another quorum call while we conclude some other agreements. The first has to do with the intelligence authorization bill. Obviously, this is very important legislation. It has been agreed to on both sides.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 654, S. 2507.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2507) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Intelligence with amendments to omit the parts in black brackets and insert the parts printed in italic.

S. 2507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Prohibition on unauthorized disclosure of classified information.
Sec. 304. POW/MIA analytic capability within the intelligence community.
Sec. 305. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
Sec. 306. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
Sec. 307. Clarification of standing of United States citizens to challenge certain blocking of assets.
Sec. 308. Availability of certain funds for administrative costs of Counterdrug Intelligence Executive Secretariat.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Expansion of Inspector General actions requiring a report to Congress.
Sec. 402. Subpoena authority of the Inspector General.
Sec. 403. Improvement and extension of central services program.
Sec. 404. Details of employees to the National Reconnaissance Office.
Sec. 405. Transfers of funds to other agencies for acquisition of land.
Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

[Sec. 501. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
[Sec. 502. Nuclear test monitoring equipment.
[Sec. 503. Experimental personnel management program for technical personnel for certain elements of the intelligence community.]
Sec. 501. Prohibition on transfer of imagery analysts from General Defense Intelligence Program to National Imagery and Mapping Agency Program.
Sec. 502. Prohibition on transfer of collection management personnel from General Defense Intelligence Program to Community Management Account.
Sec. 503. Authorized personnel ceiling for General Defense Intelligence Program.
Sec. 504. Measurement and signature intelligence.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.—Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The National Reconnaissance Office.
(6) The National Imagery and Mapping Agency.
(7) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Energy.
(11) The Federal Bureau of Investigation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN ELEMENTS FOR FISCAL YEARS 2002 THROUGH 2005.—Funds are hereby authorized to be appropriated for each of fiscal years 2002 through 2005 for the conduct in each such fiscal year of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Defense Intelligence Agency.
(3) The National Security Agency.
(4) The National Reconnaissance Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of $232,051,000.

(2) AVAILABILITY FOR ADVANCED RESEARCH AND DEVELOPMENT COMMITTEE.—Within the amount authorized to be appropriated in paragraph (1), amounts identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 618 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 2001