

The Energy bill is good for America. It will move our country toward a more reliable supply of clean, affordable energy.

I thank my colleagues for the hard work and leadership. Special recognition goes to the Energy Committee chairman, Senator DOMENICI, and his ranking member, Senator BINGAMAN.

Senator DOMENICI's expertise on energy issues is unparalleled in the U.S. Senate, as he has demonstrated for a number of years on both the Energy Committee and the Energy and Water Appropriations Subcommittee.

His determination to produce a comprehensive national energy policy, and his hard work with Senator BINGAMAN, as well as members of the Energy Committee, is the reason why we stand here, today, on the cusp of final passage of a balanced, bipartisan Energy bill.

And finally, special recognition goes to President Bush for his unwavering commitment to delivering an energy plan for the 21st century.

He came into office determined to deliver an energy plan that makes America safer and more secure. And soon he will have a bill to sign into law that does just that.

Every day we are working hard to deliver meaningful solutions to the American people. The Energy bill promises to keep America moving forward.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, with regard to this bill, I want to acknowledge, of course, all of the very complimentary statements many colleagues have made about the good work Senator DOMENICI and I did on this bill. Clearly, I have myself complimented Senator DOMENICI for his leadership in this regard many times. The fact is this bill is the result of much good work by many Members, much good work by the staffs of our committee and the staffs of many Members individually, and work that has occurred over a very long period of time. So I think some of the relief some of us are feeling as a result of seeing this finally come to completion is because of the multiple years that have gone into this effort to get a bill we could agree upon.

Every time a bill, particularly a bill of this size and comprehensiveness, comes to the Senate floor, it requires a balancing of those provisions which are positive and constructive with those that are less so, and in some cases are negative. I feel very strongly that the positive outweighs the negative in this bill. There are many provisions that will move us in the right direction.

My colleagues have been alluding to those this morning in many of their statements and there are things we need to come back and try to correct in the future, and we will have that opportunity. There are issues we were unable to address in this bill that we will hopefully be able to address in the

coming months that I think also need to be mentioned. All of the discussion has been useful. All of the good work, particularly of the Energy and Natural Resources Committee members, has been appreciated.

I again appreciate very much the process that has been followed in getting us to this point. I compliment all colleagues, and I yield the floor. I know Senator DOMENICI wishes to make a final statement.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that a list of staff men and women who helped put this conference together be printed in the RECORD. I commend them.

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

Judy Pensabene, Karen Billups, Dick Bouts, Kathryn Clay, Kellie Donnelly, Lisa Epifani, Marnie Funk, Frank Gladics, Angela Harper, Colin Hayes, Frank Macchiarola, John Peschke, and Clint Williamson.

Mr. DOMENICI. Mr. President, this bill will produce more jobs for our country, more secure jobs, and we will be using cleaner energy in the future. This will happen across America, and it will happen in the State of Wisconsin.

Also, I would like to say to everyone here, our electrical system will be safer and more sound. We may very well have nuclear powerplants built anew for the first time in years. Renewable energy will be advanced and enhanced dramatically. Some do not believe ethanol will be a significant contributor to less dependence on foreign oil. They are mistaken. We will, within the next 7 or 8 years, make a major contribution to jobs, stability of the agricultural community, and the production of ethanol as a substitute for gasoline.

In addition, we will enhance our supply of natural gas, thus stabilizing the price, which is one of the most significant things for America's future. If we cannot do that and the reverse happens, we will export hundreds of thousands of jobs. While everyone thinks that the only problem is gasoline, the problem is far bigger than gasoline prices tomorrow morning; it is what will be the state of energy 5 and 10 years from now in the United States.

I can tell my colleagues, we will be safer, we will have more jobs, we will have an electric system that is safe and sound. We will have diversity of energy sources and supplies built in our country, spending our money, creating jobs, and much more.

Frankly, it is very easy to criticize a bill of this magnitude, and it is very easy to say we did not solve everything.

I close by saying there is criticism that we did not do anything to alleviate our great dependence on crude oil. I think we did. Hybrid cars are accentuated and pushed ahead by tax credits. I just explained ethanol. But if anybody thinks right now we can pass in the Congress a bill to substantially

change the American way of using automobiles, I ask them to stand up, and we will put it on the Senate floor next week and see if they can do it. We cannot order Americans to buy smaller cars, little tiny cars, and we cannot order them to stop buying cars. That will happen. It is going to happen, and we are going to have more efficient ones clearly in short order in this country, but we cannot do everything in this bill. We have done a great deal.

My compliments to Senator BINGAMAN. I am glad this was a totally bipartisan bill, totally open in every respect. I think we have proved that on a major, contentious bill, we can have open, above-board, total participation by any Senator who wants to participate. In conference, the same with the press of having all of the amendments and everything we do so they can do what they would like with the American people and yet get an agreed-upon bill.

That is a pretty good accomplishment on the part of Senator BINGAMAN, myself, as the leaders in the Senate, and Congressman BARTON and Congressman DINGELL in the House.

I yield the floor and thank the Senate for permitting me to produce this bill.

DEPARTMENT OF THE INTERIOR,
ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2006—Continued

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided on the conference report accompanying H.R. 2361.

Mr. OBAMA. Mr. President, I rise in support of the Interior appropriations conference report and to speak about two key provisions: one to protect our veterans and one to protect our kids.

First, the conference report includes a much needed \$1.5 billion supplemental spending package for veterans health care. This \$1.5 billion will cover the massive budgetary shortfall that Congress only recently discovered, and I hope this will prevent the loss of some important veterans health care services.

Earlier this year, I, along with my Democratic colleagues on the Senate Veterans' Affairs Committee, repeatedly asked the Department of Veterans Affairs if the President's budget provided sufficient funds for veterans health care. The response we received was yes, the funds are sufficient.

Unfortunately, that response was not consistent with what folks on the ground were saying about VA health care services. They complained of long waiting periods for doctor's appointments, reduced office hours at veterans clinics, an increased demand for services, and reduced access. These voices were too loud to ignore, so I joined my colleagues Senator MURRAY and Senator AKAKA here on the floor of the Senate to ask for additional funding for VA health care. Those efforts were

defeated, but we knew that a possible crisis was on its way.

That crisis became a reality when it was discovered that the VA was more than \$1.5 billion in the hole on its health care funding. Like many of my colleagues in the Senate, I was shocked by that admission.

I was pleased to join Senator MURRAY in cosponsoring both a stand-alone bill and an amendment to the Interior appropriations bill to get veterans the funding they need so they can get the health care that they have earned and deserve.

The \$1.5 billion appropriated by today's Interior appropriations conference report will help ensure that our Nation's veterans get that health care. With this funding, our veterans facilities also will get the maintenance they need, and I hope the VA will be able to keep its hands out of its rainy day fund.

I don't think there is some person in this Senate who would want to tell a returning soldier who fought and bled for our country: Sorry, but when it comes to getting health care, you are on your own.

I was right. The inclusion of this provision in the conference report proves that we can work together to do what is necessary for our Nation's veterans.

I thank Senator MURRAY, Senator CRAIG, and Senator AKAKA for their leadership on this issue. I hope we can work together—as we do today—to ensure that veterans are not short-changed next year. They deserve better.

Second, I want to thank my colleagues for including an amendment in the conference report that is important to parents of small children all over the country but particularly in my hometown of Chicago. I am referring to my amendment prohibiting EPA from spending tax dollars to delay the promulgation of regulations that are now 9 years overdue. These regulations, when promulgated, would require contractors to reduce lead paint exposure during home renovation and remodeling.

I have raised this issue with EPA on numerous occasions and reminded them of the serious health dangers that high blood lead levels pose for children. Now, reluctantly, EPA officials have promised me these rules will be issued by the end of the year. I intend to use this amendment to hold them to their word. So today when we pass this funding bill, I can tell the youngest, poorest citizens of Illinois that Congress is doing its part to keep them safe from lead paint exposure.

I ask unanimous consent that my letter to EPA Administrator Johnson regarding this issue be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, July 25, 2005.

Hon. STEPHEN L. JOHNSON,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR JOHNSON: As you may know, I have been concerned about the failure of the Environmental Protection Agency (EPA) to promulgate regulations pursuant to 15 U.S.C. §2682(c)(3). This provision requires EPA to issue rules for contractors to reduce lead exposure during home renovation and remodeling by October 1996. Almost nine years later, these rules still have not been issued, and I have spent the past few months trying to understand why.

When your nomination was considered by the Senate Environment and Public Works (EPW) Committee in April, I asked you when EPA was going to issue these rules. You stated that EPA was focusing on a voluntary education and outreach program and "will evaluate the effectiveness of this effort and will determine what additional steps may be necessary, including regulation." Of course, 15 U.S.C. §2682(c)(3) does not give EPA the option of whether to promulgate regulations.

In May, Sen. Boxer, Rep. Waxman, and I wrote a follow-up letter to you, asking once again when EPA would issue these rules on lead. We received no response for two months.

In June, I included an amendment in the EPA appropriations bill that would prohibit the agency from spending any funds to delay the implementation of 15 U.S.C. §2682(c)(3). That bill passed the Senate unanimously.

When Deputy Administrator-designate Marcus Peacock appeared before the EPW Committee two weeks ago, I asked him about the status of these lead rules. Responding to written questions that I submitted to him after the hearing, Mr. Peacock stated: "As I understand it, the Agency will announce by the end of this year a comprehensive program, which will include a proposed regulation, as well as an extensive education and outreach campaign aimed at the renovation, repair, and painting industry and the consumer."

I am pleased by Mr. Peacock's statement, which is a significant departure from your response in April. I am also encouraged by a letter I received last week from Susan Hazen, Principal Deputy Assistant Administrator, responding to my May letter. Ms. Hazen reiterated that "the Agency plans to announce by the end of this year, a comprehensive program that will include a proposed rule."

In light of the commitments I received from Mr. Peacock and Ms. Hazen, I voted last Wednesday to confirm Mr. Peacock for the deputy administrator position. However, I want you to know that I will be closely monitoring EPA's actions regarding lead paint and will expect you to honor your commitment to issue these proposed rules by December 31, 2005.

I look forward to working with you on this important issue.

Sincerely,

BARACK OBAMA,
United States Senator.

Mr. McCAIN. Mr. President, the Interior appropriations conference report before us today is a very important piece of legislation. This conference report contains over \$26.2 billion to fund the Department of the Interior, the National Park Service, the Forest Service, the Environmental Protection Agency, and the Indian Health Service, among many others. This represents an increase of approximately \$500 million over the administration's budget re-

quest. While I appreciate the importance of funding the programs in this legislation, I am disappointed that we have once again exceeded the requested level of spending.

One bright note of this bill is the correction of the funding shortfall for the Department of Veterans Affairs' health care programs that was only recently brought to the attention of Congress. I am pleased that we have all acted quickly to provide an additional \$1.5 billion in emergency funding for the VA.

This bill contains several accounts which are designated as "Congressional Priorities." I fully recognize that Congress has a responsibility to fund important projects, but we need to follow the proper process in doing so. To put it simply, if there is a congressional priority that is not included in the administration's request, we should get it authorized through the appropriate committee and then set aside the necessary funds.

It has become standard practice around here to forgo the authorizing process and simply do everything on appropriations. That is wrong and it needs to stop. Congressional priorities should be subjected to the scrutiny of public hearings and debate—they should not be held up as some type of sacred cows that are not to be questioned. We can no longer afford to fund every pet project simply because a Member of Congress considers it to be imperative.

Let me highlight a few of the projects that are contained in this bill: \$1.2 million for eider and sea otter recovery at the Alaska Sea Life Center; \$200,000 for landscaping at the Gettysburg Military Park in Pennsylvania; \$200,000 for the George Washington Memorial Parkway right here in the Washington, DC, area; \$450,000 for the Automobile National Heritage area in Detroit, MI; \$150,000 for the Actors Theatre in Kentucky; \$150,000 for the Black Horse Tavern in Pennsylvania; over \$6 million to rehabilitate bathhouses at the Hot Springs National Park in Arkansas; \$2.5 million for the Southwest Pennsylvania Heritage Commission; \$11.1 million for the Old Faithful Inn at Yellowstone National Park; \$5.3 million for Sleeping Bear Dunes in Michigan; \$200,000 for a diamondback terrapin study. That's one expensive turtle; \$400,000 to survey and monitor the ivory-billed woodpecker in Arkansas; \$150,000 for the Alaska Whaling Commission; \$98,000 for the Alaska Sea Otter Commission; \$200,000 for maple research in Vermont; \$1.8 million for restoration of the Long Island Sound; \$4 million for water system technology in Kentucky, New Hampshire, Alaska, Pennsylvania, Missouri, Montana, Illinois, and Mississippi. Interesting—what is it that all of these States have in common? The answer is that they are all represented by a member of the Appropriations Committee; \$350,000 for a tree planting program in Milwaukee, WI; \$500,000 for the Hinkle Creek watershed study in Oregon; \$500,000 for a

hardwood scanning center at Purdue University in Indiana; and \$400,000 for a wood technology center in Ketchikan, AK.

Another troubling aspect of the appropriations process is the way in which we have become complacent with the routine violations of the rules of both the Senate and the House that occur on these bills. The rules of both bodies clearly state that it is not in order to legislate on an appropriations bill. Senate rule XVI states, "The Committee on Appropriations shall not report an appropriation bill containing amendments to such bill proposing new or general legislation . . ." And House rule XXI states, "A provision changing existing law may not be reported in a general appropriation bill." Sadly, these directives are routinely ignored in this process by the inclusion of legislative language and policy changes on appropriations bills.

Let me point out just a few examples of these violations that are contained in this conference report: Language prohibiting the closure of the underground lunchroom at Carlsbad Caverns National Park in New Mexico. Language prohibiting the demolition of a bridge between New Jersey and Ellis Island. Language authorizing the Secretary of the Interior to acquire lands for the operation of Ellis, Governors, and Liberty Islands. Language prohibiting the demolition of structures on the Zephyr Shoals property in Lake Tahoe, NV.

So as not to be viewed as unappreciative, I would like to comment on one aspect of this measure with which I was pleased. In this bill, there is over \$3.2 billion for the State and Tribal Assistance Grant Program. These funds are earmarked for 257 various projects around the country. Last year, this same account contained 667 earmarks. I have long been critical of the number of earmarks contained in this section, and I commend the subcommittee chairman and ranking member for their restraint in this area.

I am, however, still concerned with the number of earmarks contained in this and many of the other annual appropriations bills. Mr. President, the process of earmarking funds in appropriations bills has simply lurched out of control. According to a report issued by the Congressional Research Service, in fiscal year 1994 there were 4,126 earmarks in the then 13 annual appropriations bills. That number grew to 14,040 earmarks in fiscal year 2004. That is an increase of 240 percent in just 10 years.

It is clear that, with our ever-growing mandatory entitlement spending coupled with our shrinking discretionary accounts, we are on the road to fiscal disaster. At a conference in February 2005, David Walker, the Comptroller General of the United States, said this:

If we continue on our present path, we'll see pressure for deep spending cuts or dramatic tax increases. GAO's long-term budget simulations paint a chilling picture. If we do nothing, by 2040 we may have to cut federal spending by more than half or raise federal taxes by more than two and a half times to

balance the budget. Clearly, the status quo is both unsustainable and difficult choices are unavoidable. And the longer we wait, the more onerous our options will become and the less transition time we will have.

Is that really the kind of legacy we should leave to future generations of Americans?

Referring to our economic outlook, Federal Reserve Chairman Alan Greenspan testified before Congress that:

(The dimension of the challenge is enormous. The one certainty is that the resolution of this situation will require difficult choices and that the future performance of the economy will depend on those choices. No changes will be easy, as they all will involve lowering claims on resources or raising financial obligations. It falls on the Congress to determine how best to address the competing claims.

It falls on the Congress, my friends. The head of the Government's chief watch-dog agency and the Nation's chief economist agree—we are in real trouble.

The time has come to stop the practice of earmarking unauthorized funds and let the cabinet officials responsible for the various agencies of our government determine where and how our dwindling discretionary funds are to be spent. If we in the Congress are not willing to do our jobs and authorize our spending priorities, we should at least be willing to trust the President's Cabinet, who we voted to confirm to their positions, to do their jobs and appropriately fund their respective agencies' needs without our interference.

Mr. JEFFORDS. Mr. President, exactly 1 month ago I praised the Appropriations Committee's efforts to fund the State Revolving Fund for Wastewater Treatment and for Drinking Water at the highest possible levels. Today, however, I am gravely concerned about the overall cut in environmental spending contained in the bill before us today and specifically with a large cut in the clean water program.

First, let me say that I intend to vote for this conference report, as it contains a \$1.5 billion supplemental spending package to cover a shortfall in veterans health care funding.

I was highly disappointed to learn last month of the shortfall in funding for veterans health care. It was particularly outrageous that this announcement followed on the heels of assurances from the Veterans' Administration and President Bush that the additional funding we attempted to add in the emergency supplemental funding bill was not needed. Clearly, this was not the case. I am pleased that the Senate moved immediately to rectify this problem and dealt with this problem while we still had a chance.

I am frustrated, however, that the funding to combat this shortfall was not attached to the more appropriate vehicle. At a time when our soldiers are returning from war and veterans are coming into the VA in record numbers, our veterans and our local VA hospitals need and deserve this funding. I only hope that we have learned our lesson from this unfortunate se-

quence of events and that we will do what is necessary in the future to ensure that the essential funds are provided for our veterans in a timely manner and following appropriate procedures. Our veterans deserve no less.

A clean and healthy environment may be our most important legacy for our children. It saddens me to think that under the guise of fiscal responsibility, the bill before us today cuts spending at the Environmental Protection Agency, EPA, to levels not seen since fiscal year 2001. This bill funds the EPA at about \$7.7 billion. As recently as fiscal year 2004, the EPA received \$8.365 billion. This is a cut of over \$600 million in just 2 years.

Because of the administration's fiscal policies and priorities, which have led to record deficits, we are now going to underfund many programs that are important to the protection of public health and the environment. There are many programs I could touch on, but let me focus my remarks on the sad state of the clean water State revolving fund, CWSRF.

The CWSRF offers long-term, low-interest loans to State and local governments to help them meet Federal water quality standards by fixing old, decaying sewer pipelines, building and repairing wastewater treatment plants, and controlling other sources of water pollution. The conference report before us today funds the CWSRF at about \$900 million, down from almost \$1.1 billion last year and over \$1.3 billion in FY 2004. This huge drop in spending is occurring at a time when nearly half of America's rivers and lakes do not meet basic Clean Water Act standards.

Furthermore, municipalities are currently struggling to fix old water and sewage pipes. The EPA estimates that clean water infrastructure needs nationwide will cost \$390 billion over the next 15 years. The aging of the Nation's sewage treatment infrastructure has a direct effect on our waters and the people who come into contact with them. Many systems have exceeded their effective lives and are decaying because they were designed and built decades ago when urban areas were more compact and had much smaller populations.

I intend to carry on this fight for increased spending on water infrastructure and other important environmental programs. I hope that we can come to our senses before it is too late.

EXPANDING THE OIL AND GAS LEASING PROGRAM

Mr. BENNETT. Mr. President, as we prepare to accept the conference report on the fiscal year 2006 Interior appropriations spending bill, I want to raise an issue regarding the implementation of a pilot project in the State of Utah to determine the feasibility of expanding the oil and gas leasing program to include online auctioning of leases.

There is a very active oil and gas lease trading market in the private

sector. Many of these leases are bought and sold online in an auction process quite similar to other auction processes on the Internet. Information about the individual lease sale is made available to the public with accompanying documentation, prices are set and bids are accepted, sales and transactions are completed all online. The system operates very efficiently and expands the opportunity to participate to potential bidders all across the country.

BLM is currently limited to conducting oil and gas lease auctions orally. However, under the Government Performances Result Act, or GPRA, Federal agencies are allowed to conduct pilot studies to identify opportunities to further improve the efficiency and effectiveness of their business processes. Under GPRA, a pilot program which tested the feasibility of both oral and online auctions might help BLM increase the efficiency of the auction process and increase the exposure of leases to a broader number of participants.

However, the BLM does not currently have the capability to implement a program like this. But were they to develop a partnership with the private sector to develop an online component of the oil and gas leasing program, the program becomes much more feasible.

With that in mind, I requested funds for the BLM State office in Utah to conduct a pilot program with a private sector partner to develop a potential online oil and gas leasing project and to conduct a series of tests to see if this idea is workable. The Senate included funding for this program in the State of Utah. However, the committee did not specify that BLM should try to identify a private sector partner that has experience in conducting online oil and gas lease auctions.

Would it be the opinion of the chairman that BLM should identify and work with a partner in the private sector to proceed forward quickly with the development of a pilot program in Utah?

Mr. BURNS. The Senator is correct. The Bureau of Land Management currently does not have the mechanism in place to implement a pilot project like this. However, there are entities in the private sector that have a well-established history of conducting oil and gas lease auctions online. I would encourage BLM in Utah to quickly identify a private sector partner and develop a pilot program in Utah for online oil and gas lease auctions and encourage the director of the BLM to make sure that the necessary resources are devoted to implementing this project in a timely manner.

Mr. BENNETT. I appreciate that clarification.

Mr. CRAIG. Mr. President, I would like to take just a moment to comment on the Interior appropriations conference report now before the Senate.

First, let me congratulate Senator BURNS, chairman of the Interior Sub-

committee and his ranking member, Senator DORGAN, for their work on finishing this important piece of legislation before we adjourn for the August recess. My home State of Idaho has great interest in the Interior appropriations bill every year. And timely completion of this legislation is welcome news to my constituents.

As odd as this may sound, though, I do not wish to speak about Interior matters in this bill. Rather, I want to say a few words about the \$1.5 billion included in this legislation for fiscal year 2005 supplemental funding for the Department of Veterans Affairs health care system.

I know all of my colleagues are aware of the notice I received a little over 1 month ago that VA funding for this fiscal year was severely strained. And that, as a result, this Congress was going to need to move fast to provide an infusion of resources to ensure our veterans continued to receive high-quality, timely health care from VA.

Working with Senators HUTCHISON, COCHRAN, MURRAY, FEINSTEIN, AKAKA, and others, the Senate voted unanimously to add \$1.5 billion for VA health care to this Interior appropriations bill. We did so because we were confident this legislation would be completed in time to get this bill to the President's desk—and more importantly get the money to VA for veterans' health care—before the August recess. As is evident with the expected passage of this bill today, we have accomplished that goal.

Certainly this victory has not come without some hard work and negotiations. It was extremely difficult to get the administration to provide us with accurate budget numbers in any timely fashion. I spoke several times with VA Secretary Jim Nicholson and with OMB about the need to get the information to the Committee on Veterans' Affairs and the Appropriations Committee fast and to get it right with respect to fiscal year 2005 and fiscal year 2006 so that we would not be back here again in 6 months talking about shortfalls.

I am cautiously optimistic that VA and OMB have gotten it right this time. Working with Congress, they submitted a fiscal year 2005 and 2006 budget amendment that identified the need for an additional \$2.952 billion. This bill provides a \$1.5 billion down payment that goes towards meeting that identified need.

In addition, Senators HUTCHISON and FEINSTEIN are working on VA's funding need for fiscal year 2006 in the military construction/VA appropriations bill that was recently sent to the Senate floor by the full Appropriations Committee. We will all have a chance to vote on that measure after the recess.

I also want to tell my colleagues that I was very unhappy with the way in which all of this information about VA's shortfalls came to my attention. As chairman of the Veterans Committee, I take very seriously my re-

sponsibility to provide oversight of the VA and its financial picture on behalf of the Senate. And I want each of you to know that I have received personal assurances from Secretary Nicholson that he will provide quarterly reports throughout the fiscal year on VA's financial picture so that Senators can be certain that VA is on track and on budget.

Working together with Members on both sides of the aisle, I believe we can conduct the proper oversight of VA's health care budget and make certain that adequate finances are provided for the health care needs of our Nation's veterans.

Again, Mr. President, I thank my colleagues for all of their support, especially Chairman COCHRAN and Ranking Member BYRD of the full Appropriations Committee. Their unwavering commitment in the face of VA's shortfalls made this substantial supplemental increase possible.

Mr. FEINGOLD. Mr. President, while I voted in favor of the fiscal year 2006 Interior appropriations conference report, which contains funding for a number of important programs, including vital funding for veterans health care, I am disappointed in the lack of adequate investment in the clean water State revolving fund. This program has been helpful to communities all over Wisconsin, and across the country, in their efforts to safeguard their water supplies and to comply with new standards for drinking water contaminants like arsenic and radium. I was concerned earlier this year when the President requested a 33 percent cut for the clean water State revolving fund for his fiscal year 2006 budget. Because of my concern, I joined a bipartisan group of Senators in asking the Interior Appropriations Subcommittee to ignore the requested cut in funds and instead provide \$1.35 billion for this program. The Senate bill included \$1.1 billion for the revolving fund, and I am disappointed that the conferees did not retain this more favorable funding level.

Mr. AKAKA. Mr. President, I rise today to address the conference report on the Interior appropriations bill. Indeed, our efforts in the Senate to add \$1.5 billion in funding for VA this year have borne fruit. I again laud our bipartisan effort to address the funding crisis in VA health care.

I also wish to thank my colleague, the Democratic leader, Senator REID, for his determination to ensure that \$1.5 billion was the final amount of funding for this year. Though some were willing to accept less, he and I understand that every last dollar of this amount is needed to provide the highest quality of care to all veterans—be they older veterans in VA nursing homes or younger service members just returning from Iraq and seeking VA care for the first time.

We all know that while many of us have been saying that VA needs more money since the early part of the year, the administration needed to be

pressed to own up to the shortfall. As I have said before, I hope in the future all Members reach out to VA nurses and doctors and reach out to the veterans service organizations. We need not wait for the administration to make an official pronouncement about something that is so obvious. I do believe that the administration has lost its credibility in forecasting demand and expected costs. I believe this is true for its estimates of this year's funding, as well as next year.

The battle for next year's funding will be upon us shortly. During the budget resolution I debate in March, I offered an amendment to increase VA's funding by \$2.8 billion for next year. I stood before this body and outlined the case for a significant increase for VA. But we were I rejected because the administration claimed VA needed far less.

The administration wants us to now believe that VA needs a certain amount for fiscal year 2005 and 2006. They now want to convince us that they have a handle on the numbers. I remain skeptical.

VA rightly admits the fiscal year 2006 budget was off-the-mark in its estimate of the number of returning service members who will come for VA care. We know from experience how much it costs to treat a returning service member. Yet, the administration wants to now convince us that, in fact, the cost of treating a patient is less than half of this amount.

My original estimate of a need for \$3 billion in VA health care spending for next year remains correct. The VA appropriations bill must contain the full amount for VA health care next year. If not, our veterans will find this nightmare repeated once again.

Along those lines, I appreciate the work that Senators CRAIG and HUTCHISON and our other colleagues are doing to tackle this problem. I believe we can find a solution, together.

Mr. ROCKEFELLER. Mr. President, within the conference report on the interior appropriations bill is an essential provision to provide \$1.5 billion to address the current shortfall in funding for VA health care. The Interior appropriations conference report was selected as the quickest legislative vehicle to address this immediate and compelling lack of funding for VA.

With our country in combat in various regions around the world, including Iraq and Afghanistan, it is greatly disturbing that the VA is facing such a severe shortfall. I am proud that the Senate prevailed in securing the \$1.5 billion needed to respond to urgent health care needs of veterans now—both veterans returning from current conflicts and aging veterans needing long-term care. While we are addressing this compelling need today, this crisis could have—and should have—been averted. The administration should have proposed a better budget for VA in February of 2005. The administration could have supported Senator

MURRAY's amendment to the Iraq supplemental in April of 2005 to add \$1.97 billion for VA health care. Neither happened, and it is troubling that VA blames use of old models and early estimates on VA health care needs beginning in 2002. Our heroic service men and women have been serving in Iraq since 2003, and the VA budget officials should have known to rework and review the VA health care budgets. It is a sad excuse for VA officials to tell Congress in April that VA health care funding is adequate and fine, and then have VA officials come to Congress at the end of June of 2005 to suggest a shortfall of at least \$1.5 billion in the VA health care programs. We simply must have a better budget process at the VA to measure and adjust any estimates over time so that our veterans get the health care they have earned with their brave service.

Military personnel—Active Duty members and especially members of the National Guard and Reserves—respond to the call of duty. They risk their lives in service to our Nation, and they, and their families, endure enormous sacrifices due to their service. A new survey from the Army suggest that as many as 30 percent of those military personnel serving in Iraq and Afghanistan will face mental health concerns, like post traumatic stress disorder, PTSD, at the time of their return due to the violence and experiences they face. I have hosted private roundtables throughout West Virginia to meet with returning veterans from Iraq and Afghanistan, and I believe that they have compelling needs for mental health care due to the overwhelming stress of serving in such a challenging combat situation. Even service personnel who are supposedly not in combat zones face attacks from car bombs and suicide bombers. It is sad and tragic, and of course it affects our troops. The stories from West Virginia veterans about their service have convinced me that we must invest in more resources for mental health care, counseling, and our vet centers.

Knowing this, and knowing this for several years, we simply must ensure that VA health care get the funding it needs to serve all our veterans, Active Duty as well as National Guard and Reserves. But caring for our new veterans returning from Iraq and Afghanistan cannot be at the expense of serving veterans of other eras, Vietnam, Korea, and World War II and all the times in between.

Our aging veterans have huge long-term care concerns, and VA has an obligation to serve them. Part of our current shortfall was a lack of long-term care funding. While we did not know about the Iraq war in 2002, surely we should have been aware of the demographics of the VA population and the looming need for health care. This issue will not go away, and VA must serve all of our veterans.

Since coming to the Senate in 1985, I have been proud to serve on the Senate

Veterans' Affairs Committee and I treasure this opportunity to work on behalf of veterans in West Virginia and throughout our country. Today's passage of the \$1.5 billion provision for VA health care in the Interior appropriations package is an important step to address the VA health care shortfall. But honestly, this is merely a downpayment, and much more must be done to strengthen the process and the funding for VA health care. This Senator is fully committed to finding a real solution to the chronic problems of insufficient funding for VA health care. Our dedicated veterans deserve no less.

Mr. BYRD. Mr. President, I commend Chairman CONRAD BURNS and the ranking member, Senator BYRON DORGAN, on their work on this legislation. I am pleased that this conference report includes the full \$1.5 billion proposed by the Senate to make up the current 2005 fiscal year shortfall in funding for veterans health care. The Interior bill may seem a strange vehicle for this funding, but it was the first vehicle available once the administration confirmed the funding crisis in VA health care, and I thank the managers for preserving this provision in their conference report.

It is critically important that the President sign this conference report into law quickly so that this money can be used to replenish the coffers of the VA and make sure that there is no interruption in the VA's ability to provide medical services to our Nation's veterans.

Make no mistake about it, this money is needed now—now. We know the VA anticipates an even greater shortfall in fiscal year 2006, and the Senate Appropriations Committee has addressed that problem in the 2006 Military Construction and VA appropriations bill by providing \$1.977 billion in emergency funding for VA health care in 2006.

The \$1.5 billion that is provided in this conference report is specifically intended to address the current—the current—2005 crisis in VA health care funding. The precise amount of the current shortfall remains somewhat murky. The administration, after months and months of denying that a shortfall even existed, first pegged it as \$975 million, and then upped—upped—the estimate to \$1.275 billion.

The Senate, however, fully mindful of the VA's dismal track record in estimating shortfalls, and wisely skeptical of the administration's fluctuating estimates, voted to include a total of \$1.5 billion in this bill, with the proviso—get this—with the proviso that the funds would be available both this year and next. This was in sharp contrast to the House, which provided only \$975 million in a separate bill to cover the fiscal year 2005 shortfall in VA funding.

It is a victory for our Nation's veterans. Hallelujah. It is a victory for our Nation's veterans that the conferees agreed on the Senate level of \$1.5 billion, but it will be merely a Pyrrhic

victory if the White House tries to balance the books by shortchanging veterans in 2005 to make up some of the anticipated shortfall in 2006. Do not let it happen.

It is worth repeating: The Senate Appropriations Committee has addressed the 2006 shortfall by adding \$1.977 billion in emergency funding to the 2006 Military Construction and Veterans Affairs appropriations bill. The entire amount of the VA funding included in the Interior bill—\$1.5 billion—is available for 2005—for 2005—and I strongly urge the administration, I strongly urge the White House, to spend up to that amount to meet the current health care needs of our veterans.

The Senate voted twice, both unanimously votes, to provide \$1.5 billion to make up the 2005 shortfall in veterans health care. I think the Senate made its position crystal clear. We did not vote to bank the money for some future rainy day. We voted to provide adequate funding to address an exiting crisis in the veterans health care system, and I, for one, fully expect—I fully expect—the administration to use this funding for the current crisis, and not attempt to horde it—horde it—horde it—for the future.

America's veterans have given much for their country. We have an obligation to give back to them something and to provide for their health care needs. This conference report is a good first step in shoring up the VA's health care budget and, hopefully, leading the way toward more realistic and adequate budgeting for the needs of our veterans in the future.

Now, Mr. President, there is another part of this conference report for which the Senate can be very proud. Just a few weeks ago, this body voted unanimously—unanimously—to approve an amendment that I offered, along with Senator THAD COCHRAN of Mississippi and Senator JOHN WARNER of Virginia, to provide \$10 million—\$10 million—to the national memorial to the Reverend Dr. Martin Luther King, Jr. That funding remains part of this final conference report before the Senate.

There are many in this country who, during his life, did not appreciate the passion that Dr. King stirred in people. There are many who believed his goals could be achieved through different means. And I was one of those people, ROBERT C. BYRD. I was one of them. And I was wrong. I was wrong. I have come to admire Dr. King. I have come to recognize that his dream—his dream—truly is the American dream.

Dr. King spoke of a day when children, regardless of color, regardless of creed, regardless of religious belief, would walk together in peace. Oh, how we need that message today, how we need that spirit today, as religious beliefs are used to divide our people, not to unite us, and as terrorist attacks breed distrust for people who come from different lands. Oh, how we need to recall the lessons that the late Dr. King taught some 40 years ago.

During the conference negotiations on this legislation, Mr. President, there was a great discussion on how the Congress could encourage more Americans to contribute to the construction of the King Memorial. This legislation will help. This legislation says that every dollar raised in the private sector will be matched with a dollar from the U.S. Government, up to \$10 million. That is why I urge those who believe in the message of Dr. King to take just a few minutes and contribute to this national memorial.

Now, Mr. President, I thank the chairman of the Appropriations Committee, the gracious Senator from Mississippi, Mr. THAD COCHRAN, for his support and for his work on behalf of this memorial. Without his support we would not have had this in the bill. We would not be at this moment without his strong efforts.

I also thank the senior Senator from Virginia, the chairman of the Armed Services Committee, Mr. JOHN WARNER, for his work, too. Right from the start, Senator WARNER stood up and cosponsored this amendment. His influence and his support were vital to this effort.

I also thank Senator PETE DOMENICI for his support of this effort.

Finally, let me thank the tens of millions of Americans who continue to build the dream—the dream; ah, how great the dream—that Dr. Martin Luther King, Jr., voiced some 40 years ago. Achieving that dream is not easy. Despite efforts to put the past behind us and move forward together, there remain those who are determined to look backward. There remain those who would rather promote fear and division than build unity and common purpose. I hope this memorial to the legacy of the Reverend Dr. Martin Luther King, Jr., will remind all of us—all of us—that there is far more strength in unity, far more strength in resolve, far more strength in love of one's fellow man than there ever can be in division, in discord, and in disunity.

And so, Mr. President, I thank those who have been so helpful. And I hope that one of Dr. King's favorite Bible passages, which is also one of mine, comes to be a reality. And I have seen it coming to be a reality. It comes from the Book of Isaiah.

Prepare ye the way of the Lord, make straight in the desert a highway for our God.

Every valley shall be exalted, and every mountain and hill shall be made low: and the crooked shall be made straight, and the rough places plain:

And the glory of the Lord shall be revealed, and all flesh shall see it together: . . .

That was one of Dr. Martin Luther King's favorite Scriptures. And so I look forward to that day, Mr. President. That day was the hope of Dr. King. And that day is my hope as well.

Mr. President, I thank the Chair and thank all Senators.

Mr. President, before I yield the floor, I ask unanimous consent to have printed in the RECORD a list of the Sen-

ate cosponsors of the Martin Luther King, Jr., Memorial amendment.

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

COSPONSORS LIST

Amendment Number: SP1053.

Cosponsors: Cochran, Warner, Kennedy, Mikulski, Landrieu, Johnson, Stabenow, Murray, Bingaman, Jeffords, Rockefeller, Obama, Feinstein, Schumer, Sarbanes, Boxer, Harkin, Corzine, Brownback, DeWine, Levin, McConnell, McCain, Biden, Nelson of FL, Clinton, Bayh, Kerry, Roberts, Leahy, Allen, Pryor, Durbin, Martinez, Lieberman, Feingold, Hutchison.

Total Cosponsors: 37.

Mr. BYRD. Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I yield back any remaining time on the Interior conference report.

The PRESIDING OFFICER. The Senator yields back all remaining time on the Interior conference report.

Mr. DOMENICI. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The bill clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—99

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

NAYS—1

Coburn

The conference report was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, when I came to work this morning, as I pulled into the Capitol, there were dogs under Capitol police control, sniffing to find out if there were explosives in the cars coming into the Capitol. There was an officer with a semiautomatic shotgun. As I proceeded, there was an officer on the Capitol steps with an assault rifle. As I came into the Capitol, there were police officers at the door. These are the same type of officers as the two who were gunned down, Chestnut and Gibson, a few years ago. These were police officers protecting us.

In this Chamber today, there are plain clothes Capitol police officers here for our protection. All of these police officers are trained to put our lives ahead of theirs.

When we, in recent days, have been directed to leave the Capitol, taken from the Capitol, there are police officers who wait behind to make sure everyone is out before whatever wrong is supposed to happen happens. They are the last here before the doors are closed.

I was a Capitol policeman. I was not trained to do any of the things these men and women are trained to do today. We are in an extremely vulnerable situation here in the United States Capitol complex. In every one of the office buildings, every place we go in the Capitol complex, there are evil people who are trying to do harm to us and the millions of visitors who come here every year.

That is why, as I read this morning the language in the Legislative Branch appropriation bill, I was offended. I was offended by the language in that bill, the insulting language about our Capitol Police. They are our Capitol Police.

This legislation is going forward. As a member of the Appropriations Committee—I was chairman of the Legislative Branch Appropriations Subcommittee for a number of years, and I enjoyed the service greatly—I feel that the Capitol Police have been wronged in this appropriations bill. The Capitol Police is an imperfect organization, similar to every organization. It is a big organization. I am sure the administration makes mistakes and things happen that should not happen within the Capitol Police force. However, I repeat, the men and women who put their lives on the line for us every day, 24 hours a day—for each of us, for the staff here, as I said before, for the thousands of people who are visiting today in this Capitol—their support, their protection is consistent and strong.

I resent this libel, by vague generality, that is contained in this conference report. The language in the Senate version of the Legislative Branch bill contained a number of constructive clauses and areas of improvement for the police, written in a way that is completely appropriate in an appropriations bill. What is returned from the conference is an anti-Capitol Hill Police screed that is unacceptable.

I am pleased the Senate was largely able to prevail on fiscal issues in this conference report. The Capitol Police will have most of the resources they need to protect Members, staff, and the visitors who come here. However, it seems that our conferees were forced, obviously, to swallow nasty report language about the Chief of Police, his deputies, and other police administrators in order to get adequate funding for them. This is absurd. I am happy to have the funding, but the trade is ridiculous.

It is unwarranted. There are problems in all large organizations. Let's work to solve them together, but not have the nasty tone of this conference report. For whatever reason, we have had a succession of people in the House of Representatives who do not like the Capitol Police force. They have stated so publicly and privately. But it is not getting better; it is getting worse.

This is the last year I will accept it. Maybe others will, but I will not. Let me be very clear. I will never ever allow a Legislative Branch conference report that is as nasty and relentlessly negative toward our Capitol Police as this one that is going to become law. One will never become law again. I am going to reach out to my friends on the House side, Congressman LEWIS and the Speaker and others, to see what we can do to improve this.

I support Chief Gainer, his deputies, his staff, and all his officers. They have my support and my devotion because they protect my life every day. They risk their lives every day to protect this institution, and they deserve better than the pettiness that I have read in these pages.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent the next three roll-call votes be 10-minute votes.

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

Under the previous order, there will now be 2 minutes of debate equally divided on the conference report to accompany H.R. 2985, the Legislative Branch appropriations bill. The Chair recognizes the Senator from Colorado.

Mr. ALLARD. Mr. President, I yield to the minority to speak first. Are there any additional comments?

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. DURBIN. I thank the Chairman again for his hard work on the bill, and I agree with Senator REID in every word he has said. What is in this conference committee report about the Capitol Police is totally undeserved and unwarranted. It is a shame there are some people in this Capitol, not necessarily on this side of the Rotunda, who unfortunately put that language in here. Remember, we are here safely today because they are literally risking their lives as we do our work. For goodness sakes, they deserve our appreciation, and they do not deserve the

condemnation that is part of this conference committee report.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I think we have a good bill for us. I ask everybody to vote "aye" on the conference report. We have been very generous with the police. We all recognize the hard work and sacrifice they have made on behalf of all of us, our staffs, and the many visitors who come to the Capitol.

We have taken a very strong position in support of the Capitol Police on this side of the Capitol. We worked closely with the minority side and appreciate their input as we move forward with this particular piece of legislation.

I ask for the yeas and nays.

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.

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—96

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

NAYS—4

Coburn	Ensign
Conrad	Inhofe

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

ENERGY POLICY ACT OF 2005—
CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. There will now be 2 minutes of debate on the conference report accompanying H.R. 6, the Energy bill. Who yields time?

Mr. DOMENICI. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The senior Senator from New Mexico.